

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1568 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 3-8-1-30 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JANUARY 1, 2011]: Sec. 30. A candidate for the office
- 4 of **small claims** judge ~~of a small claims court (as defined in~~
- 5 **IC 33-33-49-5.2) must:**
- 6 (1) be a United States citizen upon taking office;
- 7 (2) either:
- 8 (A) have resided in the township from which the candidate is
- 9 elected for at least one (1) year upon taking office; or
- 10 (B) have been elected as a small claims court judge in the
- 11 township before 1999;
- 12 (3) be of high moral character and reputation; and
- 13 (4) be admitted to the practice of law in Indiana upon filing a
- 14 declaration of candidacy or petition of nomination or upon the
- 15 filing of a certificate of candidate selection under IC 3-13-1-15 or
- 16 IC 3-13-2-8.
- 17 SECTION 2. IC 3-8-1-31 IS AMENDED TO READ AS FOLLOWS
- 18 [EFFECTIVE JANUARY 1, 2011]: Sec. 31. A candidate for the office
- 19 of **small claims** constable ~~of a small claims court~~ must:
- 20 (1) have resided in the township for more than one (1) year upon
- 21 taking office; and
- 22 (2) be at least twenty-one (21) years old upon taking office.
- 23 SECTION 3. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS
- 24 [EFFECTIVE JANUARY 1, 2011]: Sec. 5. A declaration of candidacy
- 25 for:
- 26 (1) a federal office;
- 27 (2) a state office;
- 28 (3) a legislative office; or
- 29 (4) the local office of:
- 30 (A) judge of a circuit, superior, probate, ~~or county or small~~
- 31 **claims** court; or

(B) prosecuting attorney of a judicial circuit;  
shall be filed with the secretary of state.

SECTION 4. IC 3-10-1-19, AS AMENDED BY P.L.164-2006,  
SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JANUARY 1, 2011]: Sec. 19. (a) The ballot for a primary election shall  
be printed in substantially the following form for all the offices for  
which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

\_\_\_\_\_ Party

For paper ballots, print: To vote for a person, make a voting mark  
(X or ✓) on or in the box before the person's name in the proper  
column. For optical scan ballots, print: To vote for a person, darken or  
shade in the circle, oval, or square (or draw a line to connect the arrow)  
that precedes the person's name in the proper column. For optical scan  
ballots that do not contain a candidate's name, print: To vote for a  
person, darken or shade in the oval that precedes the number assigned  
to the person's name in the proper column. For electronic voting  
systems, print: To vote for a person, touch the screen (or press the  
button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB \_\_\_\_\_

☐ (2) CD \_\_\_\_\_

☐ (3) EF \_\_\_\_\_

☐ (4) GH \_\_\_\_\_

(b) The offices with candidates for nomination shall be placed on  
the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified  
under IC 33, with each division separate if there is more than  
one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified  
under IC 33, with each division separate if there is more than  
one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as  
required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

- 1 (4) County offices:
- 2 (A) County auditor.
- 3 (B) County recorder.
- 4 (C) County treasurer.
- 5 (D) County sheriff.
- 6 (E) County coroner.
- 7 (F) County surveyor.
- 8 (G) County assessor.
- 9 (H) County commissioner.
- 10 (I) County council member.
- 11 (5) Township offices:
- 12 (A) Township assessor.
- 13 (B) Township trustee.
- 14 (C) Township board member.
- 15 (D) **Small claims** judge. ~~of the small claims court.~~
- 16 (E) **Small claims** constable. ~~of the small claims court.~~
- 17 (6) City offices:
- 18 (A) Mayor.
- 19 (B) Clerk or clerk-treasurer.
- 20 (C) Judge of the city court.
- 21 (D) City-county council member or common council member.
- 22 (7) Town offices:
- 23 (A) Clerk-treasurer.
- 24 (B) Judge of the town court.
- 25 (C) Town council member.
- 26 (c) The political party offices with candidates for election shall be
- 27 placed on the primary election ballot in the following order after the
- 28 offices described in subsection (b):
- 29 (1) Precinct committeeman.
- 30 (2) State convention delegate.
- 31 (d) The following offices and public questions shall be placed on the
- 32 primary election ballot in the following order after the offices described
- 33 in subsection (c):
- 34 (1) School board offices to be elected at the primary election.
- 35 (2) Other local offices to be elected at the primary election.
- 36 (3) Local public questions.
- 37 (e) The offices and public questions described in subsection (d)
- 38 shall be placed:
- 39 (1) in a separate column on the ballot if voting is by paper ballot;
- 40 (2) after the offices described in subsection (c) in the form
- 41 specified in IC 3-11-13-11 if voting is by ballot card; or
- 42 (3) either:
- 43 (A) on a separate screen for each office or public question; or
- 44 (B) after the offices described in subsection (c) in the form
- 45 specified in IC 3-11-14-3.5;
- 46 if voting is by an electronic voting system.
- 47 (f) A public question shall be placed on the primary election ballot

in the following form:

(The explanatory text for the public question,  
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 5. IC 3-10-2-13 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13. The following  
public officials shall be elected at the general election before their  
terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner.
- (10) County council member.
- (11) Township trustee.
- (12) Township board member.
- (13) Township assessor.
- (14) ~~Small claims judge. of a small claims court.~~
- (15) ~~Small claims constable. of a small claims court.~~

SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.2-2005,  
SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JANUARY 1, 2011]: Sec. 12. The following offices shall be placed on  
the general election ballot in the following order:

- (1) Federal and state offices:
  - (A) President and Vice President of the United States.
  - (B) United States Senator.
  - (C) Governor and lieutenant governor.
  - (D) Secretary of state.
  - (E) Auditor of state.
  - (F) Treasurer of state.
  - (G) Attorney general.
  - (H) Superintendent of public instruction.
  - (I) United States Representative.
- (2) Legislative offices:
  - (A) State senator.
  - (B) State representative.
- (3) Circuit offices and county judicial offices:
  - (A) Judge of the circuit court, and unless otherwise specified  
under IC 33, with each division separate if there is more than  
one (1) judge of the circuit court.
  - (B) Judge of the superior court, and unless otherwise specified

- 1 under IC 33, with each division separate if there is more than  
 2 one (1) judge of the superior court.  
 3 (C) Judge of the probate court.  
 4 (D) Judge of the county court, with each division separate, as  
 5 required by IC 33-30-3-3.  
 6 (E) Prosecuting attorney.  
 7 (F) Clerk of the circuit court.  
 8 (4) County offices:  
 9 (A) County auditor.  
 10 (B) County recorder.  
 11 (C) County treasurer.  
 12 (D) County sheriff.  
 13 (E) County coroner.  
 14 (F) County surveyor.  
 15 (G) County assessor.  
 16 (H) County commissioner.  
 17 (I) County council member.  
 18 (5) Township offices:  
 19 (A) Township assessor.  
 20 (B) Township trustee.  
 21 (C) Township board member.  
 22 (D) **Small claims** judge. ~~of the small claims court.~~  
 23 (E) **Small claims** constable. ~~of the small claims court.~~  
 24 (6) City offices:  
 25 (A) Mayor.  
 26 (B) Clerk or clerk-treasurer.  
 27 (C) Judge of the city court.  
 28 (D) City-county council member or common council member.  
 29 (7) Town offices:  
 30 (A) Clerk-treasurer.  
 31 (B) Judge of the town court.  
 32 (C) Town council member.  
 33 SECTION 7. IC 3-13-1-15 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 15. (a) A county  
 35 chairman filling a candidate vacancy under section 6(a)(2) of this  
 36 chapter or the chairman of a meeting filling a candidate vacancy under  
 37 this chapter shall file a written certificate of candidate selection on a  
 38 form prescribed by the commission stating the following information  
 39 for each candidate selected:  
 40 (1) The name of each candidate as:  
 41 (A) the candidate wants the candidate's name to appear on the  
 42 ballot; and  
 43 (B) the candidate's name is permitted to appear on the ballot  
 44 under IC 3-5-7.  
 45 (2) The residence address of each candidate.  
 46 (b) The certificate shall be filed with:  
 47 (1) the election division for:

- 1 (A) a committee acting under section 3, 4, 5, or 6(b) of this
- 2 chapter; or
- 3 (B) a committee acting under section 6(a) of this chapter to fill
- 4 a candidate vacancy in the office of judge **or small claims**
- 5 **judge** of a circuit, superior, probate, **or** county **or small claims**
- 6 court or prosecuting attorney; or
- 7 (2) the circuit court clerk, for a committee acting under section
- 8 6(a) of this chapter to fill a candidate vacancy for a local office
- 9 not described in subdivision (1).
- 10 (c) This subsection applies to a candidate vacancy resulting from a
- 11 vacancy on the primary election ballot as described in section 2 of this
- 12 chapter. The certificate required by subsection (a) shall be filed not
- 13 later than noon July 3 before election day.
- 14 (d) This subsection applies to all candidate vacancies not described
- 15 by subsection (c). The certificate required by subsection (a) shall be
- 16 filed not more than three (3) days (excluding Saturdays and Sundays)
- 17 after selection of the candidates.
- 18 SECTION 8. IC 3-13-2-8, AS AMENDED BY P.L.2-2005,
- 19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JANUARY 1, 2011]: Sec. 8. (a) The chairman or chairmen filling a
- 21 candidate vacancy under this chapter shall immediately file a written
- 22 certificate of candidate selection on a form prescribed by the
- 23 commission stating the following information for each candidate
- 24 selected:
- 25 (1) The name of each candidate as:
- 26 (A) the candidate wants the candidate's name to appear on the
- 27 ballot; and
- 28 (B) the candidate's name is permitted to appear on the ballot
- 29 under IC 3-5-7.
- 30 (2) The residence address of each candidate.
- 31 (b) The certificate shall be filed with:
- 32 (1) the election division for:
- 33 (A) one (1) or more chairmen acting under section 2, 3, 4, or
- 34 5(b) of this chapter; or
- 35 (B) a committee acting under section 5(b) of this chapter to fill
- 36 a candidate vacancy for the office of judge **or small claims**
- 37 **judge** of a circuit, superior, probate, **or** county **or small claims**
- 38 court or prosecuting attorney; or
- 39 (2) the circuit court clerk of the county in which the greatest
- 40 percentage of the population of the election district is located, for
- 41 a chairman acting under section 5(a) of this chapter to fill a
- 42 candidate vacancy for a local office not described in subdivision
- 43 (1).
- 44 (c) The certificate required by subsection (a) shall be filed not more
- 45 than three (3) days (excluding Saturdays and Sundays) after selection
- 46 of the candidate.
- 47 SECTION 9. IC 3-13-10-5, AS AMENDED BY P.L.119-2005,

SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) This section applies to a vacancy in the office of **small claims** judge ~~of a small claims court~~ or small claims court constable not covered by section 1 of this chapter.

(b) A vacancy ~~in the office of small claims judge~~ shall be filled by the township board at a regular or special meeting. ~~The chairman of the township board shall give notice of the meeting. Except as provided in subsection (c), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:~~

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each board member at least ten (10) days before the meeting.

(c) If a vacancy exists because of the death of a judicial officer, the meeting required by subsection (b) shall be held not later than thirty (30) days after the chairman of the township board receives notice of the death under IC 5-8-6. The chairman of the township board may not give the notice required by subsection (b) until the chairman of the township board receives notice of the death under IC 5-8-6: **by the governor.**

(c) A vacancy in the office of small claims constable shall be filled by the governor.

(d) A person who is appointed holds office for the remainder of the unexpired term.

SECTION 10. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(b) The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

(1) Of all officers whose oath is endorsed on or attached to the commission and whose duties are not limited to a particular county or of a justice, judge, or prosecuting attorney, in the office of the secretary of state.

(2) Of the circuit court clerk, officers of a political subdivision or school corporation, and **small claims** constables, ~~of a small claims court~~, in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation.

(3) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides or serves.

SECTION 11. IC 5-8-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) An officer who wants to resign shall give written notice of the officer's resignation as follows:

(1) The governor and lieutenant governor shall notify the

principal clerk of the house of representatives and the principal secretary of the senate to act in accordance with Article 5, Section 10 of the Constitution of the State of Indiana. The clerk and the secretary shall file a copy of the notice with the office of the secretary of state.

(2) A member of the general assembly shall notify the following, whichever applies:

(A) A member of the senate shall notify the president pro tempore of the senate.

(B) A member of the house of representatives shall notify the speaker of the house of representatives.

(3) The following officers commissioned by the governor under IC 4-3-1-5 shall notify the governor:

(A) An elector or alternate elector for President and Vice President of the United States.

(B) The secretary of state, auditor of state, treasurer of state, superintendent of public instruction, or attorney general.

(C) An officer elected by the general assembly, the senate, or the house of representatives.

(D) A justice of the Indiana supreme court, judge of the Indiana court of appeals, or judge of the Indiana tax court.

(E) A judge **or small claims judge** of a circuit, city, county, probate, superior, **or town or township small claims** court.

(F) A prosecuting attorney.

(G) A circuit court clerk.

(H) A county auditor, county recorder, county treasurer, county sheriff, county coroner, or county surveyor.

(4) An officer of a political subdivision (as defined by IC 36-1-2-13) other than an officer listed in subdivision (3) shall notify the circuit court clerk of the county containing the largest percentage of population of the political subdivision.

(5) An officer not listed in subdivisions (1) through (4) shall notify the person or entity from whom the officer received the officer's appointment.

(b) A person or an entity that receives notice of a resignation and does not have the power to fill the vacancy created by the resignation shall, not later than seventy-two (72) hours after receipt of the notice of resignation, give notice of the vacancy to the person or entity that has the power to:

(1) fill the vacancy; or

(2) call a caucus for the purpose of filling the vacancy.

SECTION 12. IC 6-1.1-17-3, AS AMENDED BY P.L.162-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political



subdivision shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.

(b) Beginning in 2009, before August 10 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

(1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1(b);

(2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

- (A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);
- (B) any deductions or exemptions that apply to the assessed valuation of the tangible property;
- (C) any credits that apply in the determination of the tax liability; and
- (D) the county auditor's best estimate of the effects on the tax liability that might result from actions of the county board of tax adjustment or the department of local government finance;

(3) a prominently displayed notation that:

- (A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and
- (B) based on various factors, including potential actions by the county board of tax adjustment or the department of local government finance, it is possible that the tax liability as finally determined will differ substantially from the estimate;

(4) comparative information showing the amount of property

taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; and

(5) the date, time, and place at which the political subdivision will hold a public hearing on the political subdivision's estimated budget and proposed tax rate and tax levy as required under subsection (a).

(c) The department of local government finance shall:

(1) prescribe a form for; and

(2) provide assistance to county auditors in preparing; statements under subsection (b). Mailing the statement described in subsection (b) to a mortgagee maintaining an escrow account for a person who is liable for any property taxes shall not be construed as compliance with subsection (b).

(d) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(e) **Except as provided in subsection (f),** the trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

**(f) This subsection applies only to a consolidated township established under IC 36-6-1.1 for taxes first due and payable after 2010. The health and hospital corporation established under IC 16-22-8 shall estimate the amount necessary to meet the cost of township assistance in the consolidated township for the ensuing calendar year. The city-county legislative body shall:**

**(1) review the tax levy for the health and hospital corporation as provided in IC 36-3-6-9(e); and**

**(2) adopt a tax levy for the health and hospital corporation sufficient to meet the estimated cost of township assistance.**

**The taxes collected as a result of the tax levy adopted under this subsection are credited to the health and hospital corporation.**

~~(f)~~ (g) A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.

(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from

1 the children's psychiatric residential treatment services fund.  
 2 A budget, tax rate, or tax levy adopted by a county fiscal body or  
 3 approved or modified by a county board of tax adjustment that is less  
 4 than the levy necessary to pay the costs described in subdivision (1) or  
 5 (2) shall not be treated as a final budget, tax rate, or tax levy under  
 6 section 11 of this chapter.

7 SECTION 13. IC 8-1.5-5-32, AS AMENDED BY P.L.154-2006,  
 8 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 UPON PASSAGE]: Sec. 32. (a) This section applies to excluded cities  
 10 and towns in a county containing a consolidated city.

11 (b) A municipality to which this section applies may withdraw from  
 12 the district established by the consolidated city if the municipal  
 13 legislative body adopts an ordinance withdrawing the municipality  
 14 from the district. The municipal legislative body shall, at least thirty  
 15 (30) days before the final vote on the ordinance, mail written notice of  
 16 the meeting to the following:

17 (1) All owners of lots and parcels within the municipality that are  
 18 subject to storm water user fees imposed in the district by the  
 19 department of public works of the consolidated city.

20 (2) The department of public works of the consolidated city.

21 (c) An ordinance described in subsection (b) takes effect sixty (60)  
 22 days after adoption by the municipal legislative body.

23 (d) In addition to the notice required by subsection (b), if a  
 24 municipal legislative body adopts an ordinance under subsection (b),  
 25 the municipal legislative body shall mail written notice of the  
 26 withdrawal from the district to the department of public works of the  
 27 consolidated city not more than thirty (30) days after the ordinance  
 28 becomes effective.

29 (e) If on the date of a municipality's withdrawal from the district  
 30 there are bonds outstanding that have been issued by the board of  
 31 public works of the consolidated city **for stormwater projects**  
 32 **benefiting the municipality that have been constructed or are**  
 33 **under construction in the municipality**, the municipality is liable for  
 34 and shall pay **the net present value of** that indebtedness in the same  
 35 ratio as the assessed valuation of the property in the municipality bears  
 36 to the assessed valuation of all property included in the district on the  
 37 date one (1) day before the date of withdrawal, as shown in the most  
 38 recent assessment for taxation before the date of withdrawal.

39 (f) If a municipal legislative body adopts an ordinance under  
 40 subsection (b), the municipality is entitled to receive the following:

41 (1) An annual lump sum payment equal to the total amount of  
 42 property taxes paid and allocated to the district's flood debt  
 43 service fund from all property taxpayers within the municipality,  
 44 to the extent the property taxes are not necessary to pay the  
 45 indebtedness owed by the municipality under subsection (e). A  
 46 payment under this subdivision is required for property taxes  
 47 assessed beginning on the January 1 preceding the effective date

of the municipality's withdrawal from the district.

(2) The total amount of storm water user fees collected by the department of public works of the consolidated city from the lots and parcels in the municipality beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(g) Payments received under subsection (f):

(1) shall be deposited by the municipality in a dedicated fund; and

(2) may be used by the municipality only for purposes of storm water management in the municipality and may not be diverted, directly or indirectly, in any manner to any use other than the purposes of storm water management in the municipality.

SECTION 14. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.

(b) If the:

(1) legislative body of the consolidated city and the governing body of the airport authority ~~may~~ adopt substantially similar ordinances providing that the fire department of the airport authority is consolidated into the fire department of the consolidated city **under IC 36-3-1-6.1** and that the fire department of the consolidated city shall provide fire protection services for the airport authority; ~~if ordinances are adopted under this section; and~~

(2) **executive of the consolidated city approves the ordinance adopted by the legislative body of the consolidated city;**

the consolidation shall take effect on the date ~~agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances;~~ **set forth in the ordinance.**

(c) The legislative body of the consolidated city and the governing body of the airport authority may adopt substantially similar ordinances **under IC 36-3-1-5.1** providing that the law enforcement services of the airport authority are consolidated into the consolidated law enforcement department of the consolidated city **created by IC 36-3-1-5.1**, and that the law enforcement department of the consolidated city shall provide law enforcement services for the airport authority. If ordinances are adopted under this section, the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances.

SECTION 15. IC 10-18-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) This section does not apply to a township that consolidated under IC 36-6-1.1.**

**(b)** A township trustee may receive as public property a monument or memorial built:

1 (1) in the township;  
 2 (2) in honor of the township's soldiers or marines; and  
 3 (3) by the people with public donations;  
 4 if the people of the township want to give the monument or memorial  
 5 to the township.

6 SECTION 16. IC 12-7-2-43.5 IS ADDED TO THE INDIANA  
 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE JANUARY 1, 2011]: **Sec. 43.5. "Corporation", for**  
 9 **purposes of IC 12-20 and IC 12-30-4, means the health and hospital**  
 10 **corporation established under IC 16-22-8.**

11 SECTION 17. IC 12-7-2-192.6 IS ADDED TO THE INDIANA  
 12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 13 [EFFECTIVE JANUARY 1, 2011]: **Sec. 192.6. "Township", for**  
 14 **purposes of IC 12-20 and IC 12-30-4, means the following:**

- 15 (1) **A township in a county not having a consolidated city.**  
 16 (2) **A township in a county having a consolidated city that**  
 17 **does not consolidate under IC 36-6-1.1.**  
 18 (3) **A consolidated township established under IC 36-6-1.1.**

19 SECTION 18. IC 12-7-2-192.8 IS ADDED TO THE INDIANA  
 20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 21 [EFFECTIVE JANUARY 1, 2011]: **Sec. 192.8 "Township trustee"**  
 22 **or "trustee", for purposes of IC 12-20 and IC 12-30-4, means the**  
 23 **following:**

- 24 (1) **A trustee for a township in a county not having a**  
 25 **consolidated city.**  
 26 (2) **A trustee for township in a county having a consolidated**  
 27 **city that does not consolidate under IC 36-6-1.1.**  
 28 (3) **The health and hospital corporation established under**  
 29 **IC 16-22-8 for a consolidated township established under**  
 30 **IC 36-6-1.1.**

31 SECTION 19. IC 12-15-18-5.1 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.1. (a) Except as**  
 33 **provided in subsection (b),** for state fiscal years ending on or after  
 34 June 30, 1998, the trustees and each municipal health and hospital  
 35 corporation established under IC 16-22-8-6 are authorized to make  
 36 intergovernmental transfers to the Medicaid indigent care trust fund in  
 37 amounts to be determined jointly by the office and the trustees, and the  
 38 office and each municipal health and hospital corporation.

39 **(b) This subsection applies only to a consolidated township**  
 40 **established under IC 36-6-1.1. A municipal health and hospital**  
 41 **corporation established under IC 16-22-8-6 is authorized to make**  
 42 **intergovernmental transfers to the Medicaid indigent care trust**  
 43 **fund in amounts to be determined jointly by the office and the**  
 44 **municipal health and hospital corporation.**

45 ~~(b)~~ (c) The treasurer of state shall annually transfer from  
 46 appropriations made for the division of mental health and addiction  
 47 sufficient money to provide the state's share of payments under

1 IC 12-15-16-6(c)(2).

2 ~~(c)~~ **(d) Except as provided in subsection (e),** the office shall  
3 coordinate the transfers from the trustees and each municipal health  
4 and hospital corporation established under IC 16-22-8-6 so that the  
5 aggregate intergovernmental transfers, when combined with federal  
6 matching funds:

7 (1) produce payments to each hospital licensed under IC 16-21  
8 that qualifies as a disproportionate share provider under  
9 IC 12-15-16-1(a); and

10 (2) both individually and in the aggregate do not exceed limits  
11 prescribed by the federal Centers for Medicare and Medicaid  
12 Services.

13 The trustees and a municipal health and hospital corporation are not  
14 required to make intergovernmental transfers under this section. The  
15 trustees and a municipal health and hospital corporation may make  
16 additional transfers to the Medicaid indigent care trust fund to the  
17 extent necessary to make additional payments from the Medicaid  
18 indigent care trust fund apply to a prior federal fiscal year as provided  
19 in IC 12-15-19-1(b).

20 **(e) This subsection applies only to a consolidated township**  
21 **established under IC 36-6-1.1. The office shall coordinate the**  
22 **transfers from the municipal health and hospital corporation**  
23 **established under IC 16-22-8-6 so that the aggregate**  
24 **intergovernmental transfers, when combined with federal**  
25 **matching funds:**

26 **(1) produce payments to each hospital licensed under IC 16-21**  
27 **that qualifies as a disproportionate share provider under**  
28 **IC 12-15-16-1(a); and**

29 **(2) both individually and in the aggregate do not exceed limits**  
30 **prescribed by the federal Centers for Medicare and Medicaid**  
31 **Services.**

32 **The municipal health and hospital corporation is not required to**  
33 **make intergovernmental transfers under this section. The**  
34 **municipal health and hospital corporation may make additional**  
35 **transfers to the Medicaid indigent care trust fund to the extent**  
36 **necessary to make additional payments from the Medicaid indigent**  
37 **care trust fund apply to a prior federal fiscal year as provided in**  
38 **IC 12-15-19-1(b).**

39 ~~(d)~~ **(f)** A municipal disproportionate share provider (as defined in  
40 IC 12-15-16-1) shall transfer to the Medicaid indigent care trust fund  
41 an amount determined jointly by the office and the municipal  
42 disproportionate share provider. A municipal disproportionate share  
43 provider is not required to make intergovernmental transfers under this  
44 section. A municipal disproportionate share provider may make  
45 additional transfers to the Medicaid indigent care trust fund to the  
46 extent necessary to make additional payments from the Medicaid  
47 indigent care trust fund apply to a prior federal fiscal year as provided

1 in IC 12-15-19-1(b).

2 ~~(e)~~ (g) A county making a payment under:

3 (1) IC 12-29-1-7(b) before January 1, 2004; or

4 (2) IC 12-29-2-20(c) after December 31, 2003;

5 or from other county sources to a community mental health center  
6 qualifying as a community mental health center disproportionate share  
7 provider shall certify that the payment represents expenditures that are  
8 eligible for federal financial participation under 42 U.S.C.  
9 1396b(w)(6)(A) and 42 CFR 433.51. The office shall assist a county in  
10 making this certification.

11 SECTION 20. IC 12-20-3-2 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. The governor  
13 may not do any of the following:

14 (1) Hold a hearing in reference to a township trustee's **or**  
15 **corporation's** official duties.

16 (2) Remove a township trustee from office.

17 (3) Declare the office of a township trustee vacant.

18 SECTION 21. IC 12-20-3-3, AS AMENDED BY P.L.73-2005,  
19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JANUARY 1, 2011]: Sec. 3. **(a) This section does not apply to a**  
21 **consolidated township established under IC 36-6-1.1.**

22 ~~(a)~~ (b) If a township trustee, who serves as administrator of  
23 township assistance, is removed from office, resigns, or in any other  
24 way vacates the office of township trustee, the township trustee shall  
25 immediately deliver all books, papers, and other materials concerning  
26 the office to the trustee's successor upon the successor's appointment.

27 ~~(b)~~ (c) If a township trustee, who serves as administrator of  
28 township assistance, dies, the township trustee's executors or  
29 administrators shall, not more than forty (40) days after the trustee's  
30 death, deliver all materials belonging to the township trustee's office to  
31 the trustee's successor in office.

32 SECTION 22. IC 12-20-4-3, AS AMENDED BY P.L.73-2005,  
33 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JANUARY 1, 2011]: Sec. 3. (a) The township trustee shall determine  
35 the number of township assistance supervisors, investigators,  
36 assistants, or other necessary employees that are employed by the  
37 township to administer township assistance.

38 (b) **Except as provided in subsection (c),** the pay of township  
39 assistance supervisors, investigators, assistants, and other necessary  
40 employees shall be fixed by the township trustee subject only to the  
41 total budgetary appropriation for personnel services for the  
42 administration of township assistance approved by the township board.

43 (c) **This subsection applies only to a consolidated township**  
44 **established under IC 36-6-1.1. The corporation shall determine the**  
45 **number of township assistance supervisors, investigators, or other**  
46 **necessary employees that are to be employed by the corporation to**  
47 **administer township assistance. The pay of township assistance**

1 **supervisors, investigators, assistants, and other necessary**  
 2 **employees shall be fixed by the corporation in accordance with the**  
 3 **budget procedures of the corporation under IC 16-22-8.**

4 ~~(c)~~ **(d)** A township assistance supervisor, investigator, assistant, or  
 5 other necessary employee who uses an automobile in the performance  
 6 of the employee's work is entitled to the same mileage paid to state  
 7 officers and employees.

8 SECTION 23. IC 12-20-4-5, AS AMENDED BY P.L.73-2005,  
 9 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JANUARY 1, 2011]: Sec. 5. (a) The number of supervisors of  
 11 township assistance investigators may not exceed one (1) supervisor for  
 12 the first four (4) township assistance investigators. If there are more  
 13 than four (4) township assistance investigators, the township trustee  
 14 may employ one (1) additional supervisor for each twelve (12)  
 15 township assistance investigators or major fraction of that number.

16 **(b) Except as provided in subsection (c),** the pay for supervisors  
 17 of township assistance investigators shall be fixed in the manner  
 18 provided by law for other township salaries.

19 **(c) This subsection applies only to a consolidated township**  
 20 **established under IC 36-6-1.1. The pay for supervisors of township**  
 21 **assistance investigators shall be fixed in a manner provided under**  
 22 **IC 16-22-8 for other salaries.**

23 SECTION 24. IC 12-20-4-7, AS AMENDED BY P.L.73-2005,  
 24 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JANUARY 1, 2011]: Sec. 7. **(a) This subsection does not apply to a**  
 26 **consolidated township established under IC 36-6-1.1.**

27 ~~(a)~~ **(b)** Two (2) or more townships in the same county may jointly  
 28 employ an investigator to investigate township assistance applicants  
 29 and recipients.

30 ~~(b)~~ **(c)** Payment for investigations conducted under this section shall  
 31 be made on the basis of the number of cases handled for each township  
 32 in the same manner and at the same rate as otherwise provided for the  
 33 payment of investigators under this chapter.

34 SECTION 25. IC 12-20-4-11, AS AMENDED BY P.L.73-2005,  
 35 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JANUARY 1, 2011]: Sec. 11. (a) A township assistance supervisor,  
 37 investigator, assistant, or other necessary employee shall be paid only  
 38 for the number of days the employee is actually engaged in  
 39 employment during each month.

40 (b) A township assistance supervisor, investigator, assistant, or other  
 41 necessary employee shall be paid at the rate established by the  
 42 township trustee. ~~from an appropriation by the township board with no~~  
 43 **The trustee of a township that does not consolidate under**  
 44 **IC 36-6-1.1 shall establish the rate from an appropriation by the**  
 45 **township board. A rate established by the trustee or the**  
 46 **corporation may not include a deduction for legal holidays.**

47 (c) A township assistance supervisor, investigator, assistant, or other



necessary employee shall be paid out of the same money as claims for township assistance are paid. Claims for pay are payable upon presentation of a sworn claim itemizing each day for which pay is requested. Claims are to be made and filed in the same manner as other claims for township assistance expenditures are payable, at least once each month.

(d) Each township assistance chief deputy, investigator, supervisor, assistant, or other necessary employee may be granted paid vacation leave or sick leave under IC 5-10-6-1.

(e) **This subsection does not apply to a consolidated township.** The township trustee of a township having a population of at least ten thousand (10,000) may appoint a chief deputy. A chief deputy may be paid from any township funds.

SECTION 26. IC 12-20-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13. The:

(1) township trustee may, with the approval of the township board; or

**(2) corporation, with the approval of the city-county legislative body, may;**

employ personnel to supervise rehabilitation, training, retraining, and work programs as provided in IC 12-20-13.

SECTION 27. IC 12-20-5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 3.5. The corporation is the administrator of township assistance for a consolidated township established under IC 36-6-1.1.**

SECTION 28. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) The township trustee shall process all applications for township assistance according to uniform written standards and without consideration of the race, creed, nationality, or gender of the applicant or any member of the applicant's household.

(b) The township's standards for the issuance of township assistance and the processing of applications must be:

(1) governed by the requirements of this article;

(2) **except as provided in subdivision (3),** proposed by the township trustee, adopted by the township board, and filed with the board of county commissioners;

**(3) in the case of a consolidated township established under IC 36-6-1.1, adopted by the corporation and filed with the board of county commissioners;**

~~(3)~~ (4) reviewed and updated annually to reflect changes in the cost of basic necessities in the township and changes in the law;  
~~(4)~~ (5) published in a single written document, including addenda attached to the document; and

~~(5)~~ (6) posted in a place prominently visible to the public in all offices of the township trustee where township assistance

1 applications are taken or processed.

2 SECTION 29. IC 12-20-5.5-3, AS AMENDED BY P.L.73-2005,  
3 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JANUARY 1, 2011]: Sec. 3. (a) The township trustee shall ensure  
5 adequate access to township assistance services, including a published  
6 telephone number in the name of the township, **in the case of a**  
7 **township trustee, or in the name of the corporation in the case of**  
8 **a consolidated township established under IC 36-6-1.1.**

9 (b) **Except as provided in subsection (c),** a township assistance  
10 office, if separate from the township trustee's residence, must be  
11 designated by a clearly visible sign that lists the:

- 12 (1) township trustee's name;
- 13 (2) availability of township assistance; and
- 14 (3) township assistance office's telephone number.

15 The sign must conform to all local zoning and signage restrictions.

16 (c) **This subsection applies only to a consolidated township**  
17 **established under IC 36-6-1.1. A township assistance office shall be**  
18 **designated by a clearly visible sign that lists the:**

- 19 (1) **name of the division director of the corporation;**
- 20 (2) **availability of township assistance; and**
- 21 (3) **township assistance office's telephone number.**

22 **The sign must conform to all local zoning and signage restrictions.**

23 SECTION 30. IC 12-20-7-6, AS AMENDED BY P.L.145-2006,  
24 SECTION 118, IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JANUARY 1, 2011]: Sec. 6. A:

- 26 (1) township trustee **or** an assistant of a township trustee;
- 27 (2) **director, an officer, or an employee of the corporation;** or
- 28 (3) **director or** an employee **or a director** of the division of family  
29 resources, the office of Medicaid policy and planning, and county  
30 offices;

31 who knowingly discloses or uses information that is obtained through  
32 the use of a consent form described in section 1 of this chapter, except  
33 as authorized by this chapter, commits a Class A misdemeanor.

34 SECTION 31. IC 12-20-13-1, AS AMENDED BY P.L.73-2005,  
35 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JANUARY 1, 2011]: Sec. 1. A township trustee may, with the approval  
37 of the township board, **or a corporation may, with the approval of**  
38 **the city-county legislative body,** do the following:

- 39 (1) Conduct the following for township assistance recipients in  
40 the township, **in the case of a trustee, or a consolidated**  
41 **township established under IC 36-6-1.1, in the case of a**  
42 **corporation:**
  - 43 (A) Rehabilitation programs.
  - 44 (B) Training programs.
  - 45 (C) Retraining programs.
  - 46 (D) Work programs.
- 47 (2) Employ personnel to supervise the programs.

(3) Pay the costs of the programs from township assistance money.

SECTION 32. IC 14-21-1-13.5, AS AMENDED BY P.L.1-2005, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13.5. (a) The division may conduct a program to survey and register in a registry of Indiana cemeteries and burial grounds that the division establishes and maintains all cemeteries and burial grounds in each county in Indiana. The division may conduct the program alone or by entering into an agreement with one (1) or more of the following entities:

- (1) The Indiana Historical Society established under IC 23-6-3.
- (2) A historical society (as defined in IC 36-10-13-3).
- (3) The Historic Landmarks Foundation of Indiana.
- (4) A professional archeologist or historian associated with a college or university.
- (5) A township trustee **of a township that is not consolidated under IC 36-6-1.1.**
- (6) Any other entity that the division selects.

(b) In conducting a program under subsection (a), the division may receive gifts and grants under terms, obligations, and liabilities that the director considers appropriate. The director shall use a gift or grant received under this subsection:

- (1) to carry out subsection (a); and
- (2) according to the terms of the gift or grant.

(c) At the request of the director, the auditor of state shall establish a trust fund for purposes of holding money received under subsection (b).

(d) The director shall administer a trust fund established by subsection (c). The expenses of administering the trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the trust fund established by subsection (c) that is not currently needed to meet the obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the trust fund the interest that accrues from the investment of the trust fund.

(f) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

(g) Nothing in this section may be construed to authorize violation of the confidentiality of information requirements of ~~16 U.S.C. 470(w)~~ **16 U.S.C. 470w-3** and ~~16 U.S.C. 470(h)(h)~~ **16 U.S.C. 470hh**.

(h) The division may record in each county recorder's office the location of each cemetery and burial ground located in that county.

SECTION 33. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.5. (a) This section applies only to a township that is consolidated under IC 36-6-1.1.**

**(b) The duties of a township trustee under this chapter are**

transferred to the health and hospital corporation established under IC 16-22-8.

SECTION 34. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) As used in this chapter, "corporation" means the health and hospital corporation established under IC 16-22-8.**

~~(a)~~ **(b)** As used in this chapter, "detrimental plant" includes Canada thistle (*cirsium arvense*), Johnson grass, sorghum alumun (*sorghum halrphense*), bur cucumber (*sicyos angulatus*), shattercane (*Sorghum bicolor* [L.] Moench spp. *drummondii* [Steud.] deWet), and, in residential areas only, noxious weeds and rank vegetation. The term does not include agricultural crops.

~~(b)~~ **(c)** As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state, a political subdivision (as defined in IC 36-1-2-13), an agency of the state or a political subdivision, or a group of those persons acting in concert.

**(d) As used in this chapter, "fund" means:**

**(1) the township fund for a township:**

**(A) in a county not having a consolidated city; or**

**(B) that did not consolidate under IC 36-6-1.1; or**

**(2) the appropriate fund of the corporation for a township that consolidated under IC 36-6-1.1.**

**(e) As used in this chapter, "township trustee" or "trustee" means:**

**(1) a township trustee for a township:**

**(A) in a county not having a consolidated city; or**

**(B) that did not consolidate under IC 36-6-1.1; or**

**(2) the corporation for a township that consolidated under IC 36-6-1.1.**

~~(c)~~ **(f)** A person owning or possessing real estate in Indiana shall destroy detrimental plants by cutting or mowing and, if necessary, by plowing, cultivating, or smothering, or by the use of chemicals in the bud stage of growth or earlier, to prevent those detrimental plants from maturing on any such real estate.

SECTION 35. IC 15-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) A township trustee who has reason to believe that detrimental plants may be on real estate may, after giving forty-eight (48) hours notice to the owner or person in possession of the property, enter the real estate to investigate.

(b) Except as provided in subsection (c), if the township trustee determines after investigating the property or by visual inspection without entering the property that a person has detrimental plants growing on real estate in ~~the~~ **a township that comprises all or a part of the township trustee's jurisdiction** that have not been destroyed as described in section 1 of this chapter, ~~the trustee of the township in which the real estate is located~~ **township trustee** shall notify, in

1 writing, the owner or person in possession of the real estate to destroy  
 2 the detrimental plants in a manner provided in section 1 of this chapter  
 3 within five (5) days after the notice is given. If the detrimental plants  
 4 are not destroyed as provided in section 1 of this chapter within five (5)  
 5 days after notice is given, the trustee shall cause the detrimental plants  
 6 to be destroyed in a manner seeming most practical to the trustee  
 7 within three (3) additional days. The trustee may hire a person to  
 8 destroy the detrimental plants. The trustee or the person employed to  
 9 destroy the detrimental plants may enter upon the real estate where the  
 10 detrimental plants are growing to destroy the detrimental plants, and  
 11 are not civilly or criminally liable for damage to crops, livestock, or  
 12 other property occurring while carrying out such work, except for gross  
 13 negligence or willful or wanton destruction.

14 (c) If the county has established a county weed control board under  
 15 IC 15-3-4.6, the township trustee may notify the county weed control  
 16 board of the real estate containing detrimental plants, and the board  
 17 shall either assume jurisdiction to control the detrimental plants or  
 18 decline jurisdiction and refer the matter back to the township trustee.  
 19 The county weed control board shall notify the township trustee of the  
 20 board's decision.

21 (d) Notice required in subsection (a) or (b) may be given:

- 22 (1) by mail, using certified mail; or
- 23 (2) by personal service.

24 (e) Notice under subsection (d) is considered received by the owner  
 25 or person in possession of the real estate:

- 26 (1) if sent by mail, on the earlier of:
- 27 (A) the date of signature of receipt of the mailing; or
- 28 (B) three (3) business days after the date of mailing; or
- 29 (2) if served personally, on the date of delivery.

30 SECTION 36. IC 15-3-4-3 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) The  
 32 township trustee may pay for the chemicals, work, and labor performed  
 33 in cutting or destroying detrimental plants under this chapter at a rate  
 34 per hour to be fixed by the township trustee commensurate with local  
 35 hourly wages.

36 (b) In all cases in which the infestation of the land with detrimental  
 37 plants is so great and widespread as in the opinion of the trustee to  
 38 render such cutting or eradication by hand methods impractical, the  
 39 trustee shall engage the necessary power machinery or equipment and  
 40 may pay for the work at a rate per hour fixed by the township trustee  
 41 commensurate with the local hourly rate.

42 (c) When the work has been performed, the person doing the work  
 43 shall file an itemized bill for the work ~~in the office of~~ **with** the trustee,  
 44 ~~of the township~~, and when the bill has been approved the trustee shall  
 45 pay the bill out of the ~~township~~ fund. The trustee of the township shall  
 46 certify the cost or expense of the work and the cost of the chemicals,  
 47 adding to such bill twenty dollars (\$20) per day for each day that the

trustee or the trustee's agent supervises the performance of the services required under this chapter as compensation for services, with a description of the real estate on which the labor was performed.

(d) The certified statement of costs prepared under subsection (c) shall be mailed using certificate of mailing to, or personally served on, the owner or person possessing the real estate. The certified statement shall be mailed to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality. The statement shall request that the person pay the cost of performing the service under subsection (c) to the township trustee.

(e) If the owner or person in possession of the property does not pay the amount set forth in the statement within ten (10) days after receiving the notice under subsection (d), the township trustee shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located **or, if the township is consolidated under IC 36-6-1.1, the office of the city controller.**

(f) The auditor **or the city controller** shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in subsections (j) through (l), the amount claimed shall be collected as taxes are collected.

(g) After an amount described in subsection (f) is collected, the funds shall be deposited in the ~~trustee's township funds~~ **fund** for use at the discretion of the trustee.

(h) If there is no money available in ~~a the township~~ fund for that purpose, ~~the township board~~ upon finding an emergency exists:

**(1) the township legislative body** shall act under IC 36-6-6-14(b) or IC 36-6-6-15, **in the case of a township:**

**(A) in a county not having a consolidated city; or**

**(B) that did not consolidate under IC 36-6-1.1; or**

**(2) the corporation shall act under IC 16-22-8, in the case of a township that consolidated under IC 36-6-1.1;**

to borrow a sum of money sufficient to meet the emergency.

(i) The trustee, when submitting estimates to the ~~township board~~ **legislative body** for action, shall include in the estimates an item sufficient to cover those expenditures.

(j) This subsection applies to real estate owned by the state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement of costs for real estate owned by the state and shall charge the appropriate fund for the amount.

(k) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16) other than the township **or a consolidated city.** The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the township the amount set forth in the certified statement of costs for real estate owned by the municipality.

(l) This subsection applies to real estate that is exempt from

property taxation. The owner of the tax exempt real estate shall pay the amount set forth in the certified statement of costs for the tax exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property tax exemption and the department of local government finance shall deny the property tax exemption for the real estate.

SECTION 37. IC 15-3-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. Except as provided in section 3 of this chapter, the county auditor **or, if a township consolidated under IC 36-6-1.1, the city controller**, upon receiving and filing such trustee's certificate as prescribed in this chapter, shall immediately place said amounts on the tax duplicate of the county and such amounts shall be due at the next tax paying time, and shall be collected for the proper township, or townships, **or for the corporation** the same as other state, county, or township taxes are collected, including penalties, forfeitures, and sales, and when so collected shall be paid to the proper trustee and placed in the ~~township~~ fund.

SECTION 38. IC 15-3-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) A person who:

- (1) knowingly allows detrimental plants to grow and mature on land owned or possessed by the person;
  - (2) knowing of the existence of detrimental plants on land owned or possessed by the person, fails to cut them down or eradicate them by chemicals each year, as prescribed in this chapter;
  - (3) having charge of or control over any highway, knowingly allows detrimental plants to grow or mature on the right-of-way of the highway, or, knowing of the existence of the detrimental plants, fails to cut them down or eradicate them by chemicals, as prescribed in this chapter;
  - (4) having charge of or control over the right-of-way of a railroad or interurban company, knowingly allows detrimental plants to grow and mature thereon, or knowing of the existence of the detrimental plants, fails to cut them down or eradicate them by chemicals, as prescribed in this chapter; or
  - (5) knowingly sells Canada thistle (*cirsium arvense*) seed;
- commits a Class C infraction. Each day this section is violated constitutes a separate infraction.

(b) All judgments collected under this section shall be paid to the trustee and placed in the ~~trustee's township funds fund~~ **fund** for use at the discretion of the trustee.

SECTION 39. IC 15-3-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. When the annual budget is prepared, a sufficient amount shall be appropriated to enable the township ~~officials~~ **trustee** to comply with this chapter.

SECTION 40. IC 15-3-4-8 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 8. (a) The Purdue  
 2 University cooperative extension service shall provide technical  
 3 assistance to township trustees for the control of detrimental plants.

4 (b) All law enforcement agencies having jurisdiction in a township  
 5 **or consolidated city** shall assist the township trustee in carrying out  
 6 the duties imposed on the trustee under this chapter.

7 SECTION 41. IC 15-3-4.6-3 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. The weed  
 9 control board consists of the following members to be appointed by the  
 10 authorizing body:

11 (1) One (1) **member appointed as follows:**

12 (A) **In a county not having a consolidated city, a township**  
 13 **trustee of a township in the county.**

14 (B) **In a county having a consolidated city, the director of**  
 15 **the corporation that is responsible for the destruction of**  
 16 **detrimental plants described in this chapter or the**  
 17 **director's designee.**

18 (2) One (1) soil and water conservation district supervisor.

19 (3) A representative from the agricultural community of the  
 20 county.

21 (4) A representative from the county highway department or an  
 22 appointee of the county commissioners. ~~and~~

23 (5) A cooperative extension service agent from the county to  
 24 serve in non-voting advisory capacity.

25 Each board member shall be appointed for a term of four (4) years. All  
 26 vacancies in the membership of the board shall be filled for the  
 27 unexpired term in the same manner as initial appointments. The board  
 28 shall elect a chairman and a secretary. The members of the board are  
 29 not entitled to receive any compensation, but are entitled to such  
 30 traveling and other expenses as may be necessary in the discharge of  
 31 their duties. The board may appoint an executive director and employ  
 32 necessary technical, professional, and other assistants, and it shall fix  
 33 the qualifications, duties, and salaries of these employees subject to the  
 34 permission of the county council. The county highway supervisor and  
 35 the soil and water conservation district supervisor or employee serving  
 36 the county shall serve as inspectors for the board. They shall make  
 37 periodic inspections and report their findings to the board and the  
 38 executive director, if any.

39 SECTION 42. IC 16-18-2-80 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 80. "Corporation",  
 41 for purposes of IC 16-22-8, **IC 16-41-19**, IC 16-42-5, and IC 16-42-5.2,  
 42 means the health and hospital corporation created under IC 16-22-8.

43 SECTION 43. IC 16-41-19-1.5 IS ADDED TO THE INDIANA  
 44 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 45 [EFFECTIVE JANUARY 1, 2011]: **Sec. 1.5. As used in this chapter,**  
 46 **"consolidated township" means a consolidated township**  
 47 **established under IC 36-6-1.1.**



SECTION 44. IC 16-41-19-7, AS AMENDED BY P.L.73-2005, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) Except as provided in subsection (b), all costs that are incurred in furnishing biologicals under this chapter, IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

(1) the appropriate county, city, or town against which the application form is issued from general funds; and

(2) the appropriate township **or corporation, in the case of a consolidated township** against which the application form is issued from funds in the township assistance fund; not otherwise appropriated without appropriations.

(b) A township **or the corporation, in the case of a consolidated township**, is not responsible for paying for biologicals as provided in subsection (a)(2) if the township trustee, **in the case of a township, or the corporation in the case of a consolidated township**, has evidence that the individual has the financial ability to pay for the biologicals.

(c) After being presented with a legal claim for insulin being furnished to the same individual a second time, a township trustee, **in the case of a township, or corporation, in the case of a consolidated township**, may require the individual to complete and file a standard application for township assistance in order to investigate the financial condition of the individual claiming to be indigent. The trustee, **in the case of a township, or corporation, in the case of a consolidated township**, shall immediately notify the individual's physician that:

(1) the financial ability of the individual claiming to be indigent is in question; and

(2) a standard application for township assistance must be filed with the township **or corporation**.

The township **or corporation** shall continue to furnish insulin under this section until the township trustee, **in the case of a township, or corporation in the case of a consolidated township**, completes an investigation and makes a determination as to the individual's financial ability to pay for insulin.

(d) For purposes of this section, the township **or corporation** shall consider an adult individual needing insulin as an individual and not as a member of a household requesting township assistance.

SECTION 45. IC 16-22-8-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.5. As used in this chapter, "consolidated township" means a consolidated township established under IC 36-6-1.1.**

SECTION 46. IC 16-22-8-28, AS AMENDED BY P.L.184-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 28. (a) The board shall create the following:

(1) A division of public health.

(2) A division of public hospitals.

(3) Other divisions the board considers necessary.

(b) The division of public health shall serve as the county health department with powers and duties conferred by law upon local departments of health.

(c) The division of public hospitals shall operate the corporation's hospitals, medical facilities, and mental health facilities.

**(d) The division of township assistance is established as a division of the corporation. The division of township assistance shall administer IC 12-20 and IC 12-30-4 with respect to the consolidated township.**

SECTION 47. IC 16-22-8-32.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 32.5. The director of the division of township assistance established under section 28 of this chapter shall administer township assistance under IC 12-20 and IC 12-30-4 for the consolidated township. The director shall supervise the division of township assistance under the jurisdiction of the corporation and perform the duties prescribed by the board.**

SECTION 48. IC 16-22-8-34, AS AMENDED BY P.L.88-2006, SECTION 5, AND AS AMENDED BY P.L.145-2006, SECTION 133, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 34. (a) The board or corporation may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:

(1) As a municipal corporation, sue and be sued in any court with jurisdiction.

(2) To serve as the exclusive local board of health and local department of health within the county with the powers and duties conferred by law upon local boards of health and local departments of health.

(3) To adopt and enforce ordinances consistent with Indiana law and administrative rules for the following purposes:

(A) To protect property owned or managed by the corporation.

(B) To determine, prevent, and abate public health nuisances.

(C) To establish quarantine regulations, impose restrictions on persons having infectious or contagious diseases and contacts of the persons, and regulate the disinfection of premises.

(D) To license, regulate, and establish minimum sanitary standards for the operation of a business handling, producing, processing, preparing, manufacturing, packing, storing, selling, distributing, or transporting articles used for food, drink, confectionery, or condiment in the interest of the public health.

(E) To control:

(i) rodents, mosquitos, and other animals, including insects, capable of transmitting microorganisms and disease to humans and other animals; and

- 1 (ii) the ~~animal's~~ **animals'** breeding places.
- 2 (F) To require persons to connect to available sewer systems
- 3 and to regulate the disposal of domestic or sanitary sewage by
- 4 private methods. However, the board and corporation have no
- 5 jurisdiction over publicly owned or financed sewer systems or
- 6 sanitation and disposal plants.
- 7 (G) To control rabies.
- 8 (H) For the sanitary regulation of water supplies for domestic
- 9 use.
- 10 (I) To protect, promote, or improve public health. For public
- 11 health activities and to enforce public health laws, the state
- 12 health data center described in IC 16-19-10 shall provide
- 13 health data, medical information, and epidemiological
- 14 information to the corporation.
- 15 (J) To detect, report, prevent, and control disease affecting
- 16 public health.
- 17 (K) To investigate and diagnose health problems and health
- 18 hazards.
- 19 (L) To regulate the sanitary and structural conditions of
- 20 residential and nonresidential buildings and unsafe premises.
- 21 (M) To license and regulate the design, construction, and
- 22 operation of public pools, spas, and beaches.
- 23 (N) To regulate the storage, containment, handling, use, and
- 24 disposal of hazardous materials.
- 25 (O) To license and regulate tattoo parlors and body piercing
- 26 facilities.
- 27 (4) To manage the corporation's hospitals, medical facilities, and
- 28 mental health facilities.
- 29 (5) To furnish health and nursing services to elementary and
- 30 secondary schools within the county.
- 31 (6) To furnish medical care to the indigent within the county
- 32 unless medical care is furnished to the indigent by the division of
- 33 family ~~and children~~ resources.
- 34 (7) To determine the public health policies and programs to be
- 35 carried out and administered by the corporation.
- 36 (8) To adopt an annual budget ordinance and levy taxes.
- 37 (9) To incur indebtedness in the name of the corporation.
- 38 (10) To organize the personnel and functions of the corporation
- 39 into divisions and subdivisions to carry out the corporation's
- 40 powers and duties and to consolidate, divide, or abolish the
- 41 divisions and subdivisions.
- 42 (11) To acquire and dispose of property.
- 43 (12) To receive *charitable contributions* and ~~make~~ gifts as
- 44 *provided in 26 U.S.C. 170.*
- 45 (13) *To make charitable contributions and gifts.*
- 46 (14) *To establish a charitable foundation as provided in 26*
- 47 *U.S.C. 501.*

- ~~(13)~~ (15) To receive and distribute federal, state, local, or private grants.
- ~~(16)~~ *To receive and distribute grants from charitable foundations.*
- ~~(17)~~ *To establish nonprofit corporations to carry out the purposes of the corporation.*
- ~~(14)~~ (18) To erect buildings or structures or improvements to existing buildings or structures.
- ~~(15)~~ (19) To determine matters of policy regarding internal organization and operating procedures.
- ~~(16)~~ (20) To do the following:
- (A) Adopt a schedule of reasonable charges for nonresidents of the county for medical and mental health services.
  - (B) Collect the charges from the patient or from the governmental unit where the patient resided at the time of the service.
  - (C) Require security for the payment of the charges.
- ~~(17)~~ (21) To adopt a schedule of and to collect reasonable charges for patients able to pay in full or in part.
- ~~(18)~~ (22) To enforce Indiana laws, administrative rules, and the code of the health and hospital corporation of the county.
- ~~(19)~~ (23) To purchase supplies, materials, and equipment for the corporation.
- ~~(20)~~ (24) To employ personnel and establish personnel policies to carry out the duties, functions, and powers of the corporation.
- ~~(21)~~ (25) To employ attorneys admitted to practice law in Indiana.
- ~~(22)~~ (26) To acquire, erect, equip, and operate the corporation's hospitals, medical facilities, and mental health facilities.
- ~~(23)~~ (27) To dispose of surplus property in accordance with a policy by the board.
- ~~(24)~~ (28) To determine the duties of officers and division directors.
- ~~(25)~~ (29) To fix the compensation of the officers and division directors.
- ~~(26)~~ (30) To carry out the purposes and object of the corporation.
- ~~(27)~~ (31) To obtain loans for hospital expenses in amounts and upon terms agreeable to the board. The board may secure the loans by pledging accounts receivable or other security in hospital funds.
- ~~(28)~~ (32) To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees.
- (33) To administer township assistance for the consolidated township.**
- (34) To provide and maintain cemeteries under IC 23-14 for the consolidated township.**
- (35) To destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4 for the consolidated township.**
- (b) The board shall exercise the board's powers and duties in a

manner consistent with Indiana law, administrative rules, and the code of the health and hospital corporation of the county.

SECTION 49. IC 16-22-8-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 37. **(a) Except as provided in subsection (b),** the powers, authority, and duties conferred on the corporation and the corporation's officers and employees under this chapter extend throughout the county and may extend outside the county on terms and conditions the board prescribes that are consistent with this chapter.

**(b) The powers, authority, and duties conferred on the corporation and the corporation's officers and employees under this chapter with regard to the powers under section 34(a)(33) through 34(a)(35) of this chapter extend throughout the consolidated township and may not extend outside the county.**

SECTION 50. IC 16-22-8-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 43. (a) The board may issue general obligation bonds of the corporation to procure funds to pay the cost of acquiring real property or constructing, enlarging, improving, remodeling, repairing, or equipping buildings and other structures for use as or in connection with hospitals, clinics, health centers, dispensaries, **the provision of township assistance,** or for administrative purposes. The issuance of the bonds shall be authorized by ordinance of the board providing for the amount, terms, and tenor of the bonds, for the time and character of notice, and the mode of making the sale. The bonds shall be payable not more than forty (40) years after the date of issuance and shall be executed in the name of the corporation by the chairman of the board and attested by the executive director, who shall affix to each of the bonds the official seal of the corporation. The interest coupons attached to the bonds may be executed by facsimile signature of the chairman of the board.

(b) The executive director shall manage and supervise the preparation, advertisement, and sale of bonds, subject to the provisions of the authorizing ordinance. Before the sale of the bonds, the executive director shall publish notice of the sale in accordance with IC 5-3-1, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold to the highest and best bidder. After the bonds have been sold and executed, the executive director shall deliver the bonds to the treasurer of the corporation and take the treasurer's receipt, and shall certify to the treasurer the amount that the purchaser is to pay, together with the name and address of the purchaser. On payment of the purchase price, the treasurer shall deliver the bonds to the purchaser, and the treasurer and executive director shall report the actions to the board.

(c) IC 5-1 and IC 6-1.1-20 apply to the following proceedings:

(1) Notice and filing of the petition requesting the issuance of the

- 1 bonds.
- 2 (2) Notice of determination to issue bonds.
- 3 (3) Notice of hearing on the appropriation of the proceeds of the
- 4 bonds and the right of taxpayers to appeal and be heard.
- 5 (4) Approval by the department of local government finance.
- 6 (5) The right to remonstrate.
- 7 (6) Sale of bonds at public sale for not less than the par value.
- 8 (d) The bonds are the direct general obligations of the corporation
- 9 and are payable out of unlimited ad valorem taxes levied and collected
- 10 on all the taxable property within the county of the corporation. All
- 11 officials and bodies having to do with the levying of taxes for the
- 12 corporation shall see that sufficient levies are made to meet the
- 13 principal and interest on the bonds at the time fixed for payment.
- 14 (e) The bonds are exempt from taxation for all purposes but the
- 15 interest is subject to the adjusted gross income tax.

16 SECTION 51. IC 23-14-33-7.5 IS ADDED TO THE INDIANA  
 17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE JANUARY 1, 2011]: **Sec. 7.5. "Cemetery fund" means**  
 19 **the:**

- 20 (1) **township fund for a township:**
- 21 (A) **in a county not having a consolidated city; or**
- 22 (B) **that did not consolidate under IC 36-6-1.1; or**
- 23 (2) **cemetery fund for a township that consolidated under**
- 24 **IC 36-6-1.1.**

25 SECTION 52. IC 23-14-33-13.5 IS ADDED TO THE INDIANA  
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 27 [EFFECTIVE JANUARY 1, 2011]: **Sec. 13.5. "Corporation" means**  
 28 **the health and hospital corporation established under IC 16-22-8.**

29 SECTION 53. IC 23-14-33-32.5 IS ADDED TO THE INDIANA  
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 31 [EFFECTIVE JANUARY 1, 2011]: **Sec. 32.5. "Township" means:**

- 32 (1) **a township:**
- 33 (A) **in a county not having a consolidated city; or**
- 34 (B) **that did not consolidate under IC 36-6-1.1; or**
- 35 (2) **the corporation for a township that consolidated under**
- 36 **IC 36-6-1.1.**

37 SECTION 54. IC 23-14-33-32.6 IS ADDED TO THE INDIANA  
 38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 39 [EFFECTIVE JANUARY 1, 2011]: **Sec. 32.6. "Township trustee" or**  
 40 **"trustee" means:**

- 41 (1) **a township trustee for a township:**
- 42 (A) **in a county not having a consolidated city; or**
- 43 (B) **that did not consolidate under IC 36-6-1.1; or**
- 44 (2) **the corporation for a township that consolidated under**
- 45 **IC 36-6-1.1.**

46 SECTION 55. IC 23-14-64-4 IS AMENDED TO READ AS  
 47 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 4. All expenses**

1 incurred by the trustee in administering this chapter shall be paid out  
2 of the ~~township cemetery~~ fund of the township.

3 SECTION 56. IC 23-14-68-4 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The  
5 township shall appropriate enough money to provide for the care,  
6 repair, and maintenance of each cemetery described in section 1(a) of  
7 this chapter that is located within the township. Funds shall be  
8 appropriated under this subsection in the same manner as other  
9 ~~township~~ appropriations.

10 (b) The township may levy a ~~township~~ cemetery tax to create a fund  
11 for maintenance of cemeteries under this chapter. If a fund has not been  
12 provided for maintenance of cemeteries under this chapter, part of the  
13 township fund **or other funds of the township** may be used.

14 SECTION 57. IC 23-14-69-5 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) If:

16 (1) no land suitable for a public cemetery is donated to a  
17 township; and

18 (2) if the township legislative body adopts a resolution approving  
19 the purchase;

20 the township ~~executive~~ may purchase land for the purpose of  
21 establishing a public cemetery.

22 (b) When land is purchased and conveyed to the township under  
23 subsection (a), the land must be set apart, kept in repair, and used as  
24 provided in section 6 of this chapter.

25 SECTION 58. IC 23-14-69-9 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 9. All expenses  
27 incurred by the township trustee for administering this chapter shall be  
28 paid out of the ~~township cemetery~~ fund of the township.

29 SECTION 59. IC 32-26-4-2 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) The trustee  
31 of each township, the county highway superintendent, the Indiana  
32 department of transportation, or other officer in control of the  
33 maintenance of a highway shall between January 1 and April 1 of each  
34 year, examine all hedges, live fences, natural growths along highways,  
35 and other obstructions described in section 1 of this chapter in their  
36 respective jurisdictions. **However, if a township consolidated under**  
37 **IC 36-6-1.1, the duties and obligations of a township trustee under**  
38 **this chapter are the responsibility of the corporation.** If there are  
39 hedges, live fences, other growths, or obstructions along the highways  
40 that have not been cut, trimmed down, and maintained in accordance  
41 with this chapter, the owner shall be given written notice to cut or trim  
42 the hedge or live fence and to burn the brush trimmed from the hedge  
43 or live fence and remove any other obstructions or growths.

44 (b) The notice required under subsection (a) must be served by  
45 reading the notice to the owner or by leaving a copy of the notice at the  
46 owner's usual place of residence.

47 (c) If the owner is not a resident of the township, county, or state

where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township, **county, or state**. If an agent or a tenant of the owner does not reside in the township, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, **corporation**, county highway superintendent, or Indiana department of transportation shall immediately:

- (1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and
- (2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, **corporation**, county highway superintendent, or Indiana department of transportation having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 60. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.6. As used in this chapter, "township" means:**

**(1) a township:**

- (A) not in a county having a consolidated city; or**
- (B) that did not consolidate under IC 36-6-1.1; or**

**(2) the consolidated city for a township that consolidated under IC 36-6-1.1.**

SECTION 61. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.7. As used in this chapter, "township trustee" or "trustee" means:**

**(1) a township trustee for a township:**

- (A) not in a county having a consolidated city; or**
- (B) that did not consolidate under IC 36-6-1.1; or**

**(2) the consolidated city for a township that consolidated**



**under IC 36-6-1.1.**

SECTION 62. IC 32-26-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) A partition fence shall be built, rebuilt, and kept in repair at the cost of the property owners whose properties are enclosed or separated by the fences proportionately according to the number of rods or proportion of the fence the property owner owns along the line of the fence, whether the property owner's title is a fee simple or a life estate.

(b) If a property owner fails or refuses to compensate for building, rebuilding, or repairing the property owner's portion of a partition fence, another property owner who is interested in the fence, after having built, rebuilt, or repaired the property owner's portion of the fence, shall give to the defaulting property owner or the defaulting property owner's agent or tenant twenty (20) days notice to build, rebuild, or repair the defaulting property owner's portion of the fence. If the defaulting property owner or the defaulting property owner's agent or tenant fails to build, rebuild, or repair the fence within twenty (20) days, the complaining property owner shall notify the township trustee of the township in which the properties are located of the default.

(c) This subsection applies if the fence sought to be established, rebuilt, or repaired is on a township line. Unless disqualified under subsection (h), the complaining property owner shall notify the trustee of the township in which the property of the complaining property owner is located of the default under subsection (b), and the trustee has jurisdiction in the matter.

(d) The township trustee who receives a complaint under this section shall:

- (1) estimate the costs for building, rebuilding, or repairing the partition fence; and
- (2) within a reasonable time after receiving the complaint, make out a statement and notify the defaulting property owner of the probable cost of building, rebuilding, or repairing the fence.

If twenty (20) days after receiving a notice under this subsection the defaulting property owner has not built, rebuilt, or repaired the fence, the trustee shall build or repair the fence. The trustee may use only the materials for the fences that are most commonly used by the farmers of the community.

(e) If the trustee of a township is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

- (1) A straight board and wire fence, a straight wire fence, a straight board fence, or a picket fence four (4) feet high.

(2) A straight rail fence four and one-half (4 1/2) feet high.

(3) A worm rail fence five (5) feet high.

(g) This subsection applies if a ditch or creek crosses the division line between two (2) property owners, causing additional expense in the maintenance of the part over the stream. If the property owners cannot agree upon the proportionate share of each property owner, the township trustee shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each property owner.

(h) If a township trustee is:

(1) related to any of the interested property owners; or

(2) an interested property owner;

the trustee of any other township who resides nearest to where the fence is located shall township shall appoint another official to act under this chapter.

(i) This subsection applies if a ditch or creek forms, covers, or marks the dividing line or a part of the dividing line between the properties of separate and different property owners so that partition fences required under this chapter cannot be built and maintained on the dividing line. The partition fences shall be built and maintained under this chapter as near to the boundary line as is practical, and each property owner shall build a separate partition fence on the property owner's property and maintain the fence at the property owner's cost.

(j) This subsection applies where a partition fence required under this chapter crosses a ditch or creek and it is impracticable to construct or maintain that portion of the fence that crosses the ditch or creek as a stationary fence. Instead of the portion of the fence that would cross the ditch or creek, there shall be constructed, as a part of the partition fence, floodgates or other similar structures that are sufficiently high, tight, and strong to turn hogs, sheep, cattle, mules, and horses or other domestic animals. The floodgates or other similar structures shall be constructed to swing up in times of high water and to connect continuously with the partition fences.

(k) This subsection applies if the building and maintenance of the floodgates or other similar structure required under subsection (j) causes additional expenses and the property owners cannot agree upon the character of floodgates or other similar structure, or upon the proportionate share of the cost to be borne by each property owner. The township trustee, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the township who shall determine the kind of structure and apportion the cost of the floodgate or other structure between the property owners, taking into consideration the parts of the fence being maintained by each property owner.

(l) The determination of a majority of the arbitrators of any matter or matters submitted to them under this section is final and binding on each property owner. The compensation of the arbitrators is two dollars (\$2) each, which shall be paid by the property owners in the proportion

each property owner is ordered to bear the expense of a gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 63. IC 33-23-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) As used in this chapter, "judge" means a judge of the court of appeals, the tax court, ~~or a circuit, superior, county, small claims,~~ or probate court, **or a small claims judge (as defined in IC 33-33-49-5.2).**

(b) The term includes a judge pro tempore, commissioner, or hearing officer if the judge pro tempore, commissioner, or hearing officer sits more than twenty (20) days other than Saturdays, Sundays, or holidays in one (1) calendar year as a judge, commissioner, or hearing officer in any court.

SECTION 64. IC 33-23-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) As used in this chapter, "court employee" means a person employed by any of the following:

- (1) The supreme court.
- (2) The court of appeals.
- (3) The tax court.
- (4) A circuit court.
- (5) A superior court.
- (6) A juvenile court.
- (7) A probate court.
- (8) A county court.
- (9) A municipal court.
- (10) A city or town court.
- ~~(11) A small claims court.~~

(b) The term does not include a judge **or small claims judge (as defined in IC 33-33-49-5.2)** of any of the courts listed in subsection (a)(1) through ~~(a)(11): (a)(10).~~

SECTION 65. IC 33-30-2-1, AS AMENDED BY P.L.237-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) A county court is established in the following counties:

- (1) Floyd County.
- (2) Madison County.

(b) However, a county court listed in subsection (a) is abolished if:

(1) IC 33-33 provides a small claims docket of the circuit court;

or

(2) IC 33-33 provides a small claims docket of the superior court;

or

~~(3) IC 33-34 provides a small claims court;~~

for the county in which the county court was established.

SECTION 66. IC 33-33-49-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.1. (a) As used in this chapter, "judge" means a person elected under section 13 of this chapter.**

**(b) The term does not include a small claims judge.**

SECTION 67. IC 33-33-49-5.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.2. As used in this chapter, "small claims judge" means a person elected under:**

**(1) section 13.1 of this chapter; or**

**(2) IC 33-34-2-1 (before its repeal).**

SECTION 68. IC 33-33-49-6, AS AMENDED BY P.L.80-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. (a) There is established a superior court in Marion County. The court consists of:**

**(1) thirty-five (35) superior court judges beginning January 1, 2007, and ending December 31, 2008; and**

**(2) thirty-six (36) superior court judges beginning January 1, 2009.**

**The court also consists of nine (9) small claims judges beginning January 1, 2011.**

**(b) To be qualified to serve as a judge of the court, a person must be, at the time a declaration of candidacy or a petition of nomination under IC 3-8-6 is filed:**

**(1) a resident of Marion County; and**

**(2) an attorney who has been admitted to the bar of Indiana for at least five (5) years.**

**(c) To be qualified to serve as a small claims judge, a person must meet the qualifications described in IC 3-8-1-30.**

~~(c)~~ **(d) During the term of office:**

**(1) a judge of the court must remain a resident of Marion County; and**

**(2) a small claims judge must remain a resident of:**

**(A) Marion County; and**

**(B) the township from which the small claims judge was elected.**

SECTION 69. IC 33-33-49-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 9. (a) Except as provided in subsection (b), the court has the following jurisdiction:**

**(1) Concurrent and coextensive jurisdiction with the Marion**

circuit court in all cases and upon all subject matters, including civil, criminal, juvenile, probate, and statutory cases and matters, whether original or appellate.

(2) Original and exclusive jurisdiction in all matters pertaining to the following:

(A) The probate and settlement of decedents' estates, trusts, and guardianships.

(B) The probate of wills.

(C) Proceedings to resist the probate of wills.

(D) Proceedings to contest wills.

(E) The appointment of guardians, assignees, executors, administrators, and trustees.

(F) The administration and settlement of:

(i) estates of protected persons (as defined in IC 29-3-1-13) and deceased persons;

(ii) trusts, assignments, adoptions, and surviving partnerships; and

(iii) all other probate matters.

(3) Original jurisdiction of all violations of Indiana law. Whenever jurisdiction is by law conferred on a small claims court, the court has the appellate jurisdiction provided by law.

(4) Original and exclusive juvenile jurisdiction.

**(b) The small claims division of the court established in section 14(c)(5) of this chapter has the following jurisdiction:**

**(1) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in all civil cases founded on contract or tort in which the debt or damage claimed does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.**

**(2) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in possessory actions between landlord and tenant in which the past due rent at the time of filing does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.**

**(3) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in actions for the possession of property where the value of the property sought to be recovered does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.**

**(4) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in emergency possessory actions between a landlord and tenant under IC 32-31-6.**

**(5) The small claims division of the court does not have jurisdiction in the following:**

1           **(A) Actions seeking injunctive relief or involving partition**  
 2           **of real estate.**

3           **(B) Actions to declare or enforce a lien, except as provided**  
 4           **in section 20.5 of this chapter.**

5           **(C) Actions in which the appointment of a receiver is**  
 6           **asked.**

7           **(D) Suits for dissolution or annulment of marriage.**

8           SECTION 70. IC 33-33-49-10 IS AMENDED TO READ AS  
 9           FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 10. **(a) Except as**  
 10          **provided in subsection (b),** the court is a court of record. The court's  
 11          judgments, decrees, orders, and proceedings have the same effect and  
 12          shall be enforced in the same manner as those of the circuit court.

13          **(b) The small claims division of the court is not a court of**  
 14          **record.**

15          SECTION 71. IC 33-33-49-11 IS AMENDED TO READ AS  
 16          FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 11. (a) The court  
 17          may adopt rules for conducting the business of the court. Except as  
 18          provided in subsection (b), in all matters action of the court may only  
 19          be taken by a vote of a majority of the judges sitting at the time the vote  
 20          is taken.

21          (b) Action of the court to remove the presiding judge or either  
 22          associate presiding judge may only be taken by a vote of two-thirds  
 23          (2/3) of the judges sitting at the time the vote is taken.

24          (c) The court has all the powers incident to a court of record in  
 25          relation to the attendance of witnesses, punishment of contempts, and  
 26          enforcement of the court's orders. The judges **and small claims judges**  
 27          may administer oaths, solemnize marriages, take and certify  
 28          acknowledgments of deeds and all legal instruments, and ~~to~~ give all  
 29          necessary certificates for the authentication of the records and  
 30          proceedings in the court.

31          SECTION 72. IC 33-33-49-12 IS AMENDED TO READ AS  
 32          FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 12. **A judge of**  
 33          the court may do the following:

34               (1) Grant restraining orders and injunctions.

35               (2) Issue writs of habeas corpus.

36               (3) Appoint receivers, masters, and commissioners to:

37                   (A) convey real property;

38                   (B) grant commissions for the examination of witnesses; and

39                   (C) appoint other officers necessary to transact the business of  
 40                  the court.

41          SECTION 73. IC 33-33-49-13.1 IS ADDED TO THE INDIANA  
 42          CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 43          [EFFECTIVE JANUARY 1, 2011]: Sec. 13.1. **(a) A small claims**  
 44          **judge shall be elected for a term of four (4) years that begins**  
 45          **January 1 after the year of the small claims judge's election and**  
 46          **continues through December 31 in the fourth year. The small**  
 47          **claims judge shall hold office for the four (4) year term or until the**

1 small claims judge's successor is elected and qualified.

2 (b) A small claims judge shall be elected at the general election  
3 every four (4) years by the registered voters residing within the  
4 township in which the small claims division of the court is located.

5 SECTION 74. IC 33-33-49-13.2 IS ADDED TO THE INDIANA  
6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JANUARY 1, 2011]: Sec. 13.2. (a) A small claims  
8 judge serving part time may participate in other gainful  
9 employment if the employment does not:

10 (1) interfere with the exercise of the small claims judge's  
11 judicial office; or

12 (2) involve any conflict of interest in the performance of the  
13 small claims judge's judicial duties.

14 (b) A small claims judge serving full time may practice law if the  
15 practice does not conflict in any way with the small claims judge's  
16 official duties and does not:

17 (1) cause the small claims judge to be unduly absent from the  
18 court; or

19 (2) interfere with the ready and prompt disposal of the small  
20 claims judge's judicial duties.

21 (c) A small claims judge and the employees of the small claims  
22 division of the court may be eligible to participate in the public  
23 employees' retirement fund as provided in IC 5-10.3, but a small  
24 claims judge is not eligible to participate as a member in the  
25 judges' retirement fund under IC 33-38.

26 (d) A vacation of one (1) month per year shall be provided for  
27 a full-time small claims judge. The executive committee may  
28 authorize the appointment of a small claims judge pro tempore to  
29 handle the judicial business of the vacationing small claims judge  
30 if the executive committee considers it necessary.

31 SECTION 75. IC 33-33-49-13.3 IS ADDED TO THE INDIANA  
32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
33 [EFFECTIVE JANUARY 1, 2011]: Sec. 13.3. A small claims judge  
34 shall:

35 (1) furnish a bond in a sum required by the circuit court judge  
36 to provide for the:

37 (A) faithful discharge of the duties of the office; and

38 (B) payment or delivery to the proper persons of whatever  
39 money or other property may come into the small claims  
40 judge's hands when acting as small claims judge; and

41 (2) file the bond with the county recorder.

42 The bond must also extend to cover a person that is appointed to  
43 act as a small claims judge under section 13.4 of this chapter.

44 SECTION 76. IC 33-33-49-13.4 IS ADDED TO THE INDIANA  
45 CODE AS A NEW SECTION TO READ AS FOLLOWS  
46 [EFFECTIVE JANUARY 1, 2011]: Sec. 13.4. (a) If a small claims  
47 judge is unable to preside over the small claims judge's division of  
48 the small claims court during any number of days, the small claims

1 judge may appoint in writing a person qualified to be a small  
 2 claims judge under section 6(c) of this chapter to preside in place  
 3 of the small claims judge.

4 (b) The written appointment shall be entered on the order book  
 5 or record of the superior court. The appointee shall, after taking  
 6 the oath prescribed for the small claims judges, conduct the  
 7 business of the division subject to the same rules and regulations as  
 8 small claims judges and has the same authority during the  
 9 continuance of the appointee's appointment.

10 (c) The appointee is entitled to the same compensation from the  
 11 county auditor as accruable to the small claims judge in whose  
 12 place the appointee is serving.

13 SECTION 77. IC 33-33-49-13.5 IS ADDED TO THE INDIANA  
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 15 [EFFECTIVE JANUARY 1, 2011]: Sec. 13.5. (a) A small claims  
 16 judge absent from the bench for more than thirty (30) days shall  
 17 deposit the dockets, books, and papers of the office with:

- 18 (1) the small claims judge of another township division; or
- 19 (2) the executive committee of the court;

20 as directed by the presiding judge.

21 (b) A:

- 22 (1) small claims judge with whom the docket of another small
- 23 claims judge is deposited during a vacancy or an absence; and
- 24 (2) successor of any small claims judge who has the dockets of
- 25 the successor's predecessor in the successor's possession;

26 may perform all duties that the small claims judge might do legally  
 27 in relation to the small claims judge's own dockets.

28 (c) Process shall be returned to the small claims judge or judge  
 29 who has the legal custody of the docket at the day of return.

30 SECTION 78. IC 33-33-49-14, AS AMENDED BY P.L.80-2006,  
 31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JANUARY 1, 2011]: Sec. 14. (a) Not more than thirty (30) days after  
 33 taking the oath of office, the judges shall meet and designate four (4)  
 34 of the judges as the executive committee for administrative purposes.  
 35 The executive committee shall be selected by a vote of two-thirds (2/3)  
 36 of the judges sitting at the time the vote is taken. If all vacancies cannot  
 37 be filled by a two-thirds (2/3) vote, vacancies may be filled by such  
 38 other method as provided by court rule. The executive committee is  
 39 responsible for the operation and conduct of the court. A member of the  
 40 executive committee shall serve in the capacity provided by rules  
 41 adopted by the court under section 11 of this chapter. A member of the  
 42 executive committee serves for a term of two (2) years beginning on  
 43 the date of the member's election. Except for the rotation of the  
 44 presiding judge as provided in subsection (b), any or all of the members  
 45 elected to the executive committee may be reelected. Of the four (4)  
 46 judges elected to the executive committee, not more than two (2) may  
 47 be members of the same political party.



(b) One (1) of the four (4) judges elected to the executive committee shall be elected as presiding judge and three (3) of the four (4) judges elected to the executive committee shall be elected as associate presiding judges. Beginning with the election of the executive committee in 2007, a presiding judge may not be elected from the same political party as the presiding judge who served the previous term. Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action requires a majority vote. If a tie vote occurs, the presiding judge shall cast the tiebreaking vote. Any action taken by the executive committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

- (1) Civil.
- (2) Criminal.
- (3) Probate.
- (4) Juvenile.

**(5) Small claims.**

(d) The work of each division shall be allocated by the rules of the court, **except to the extent that the work of the small claims division is otherwise provided by law. The judges shall extend aid and assistance to the small claims judges in the conduct of the small claims division of the court.**

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 11 of this chapter. The court shall keep appropriate records of rules, orders, and assignments of the court.

**(f) The executive committee of the court, assisted by the small claims judges, shall make and adopt uniform rules for conducting the business of the small claims division of the court:**

- (1) according to a simplified procedure; and**
- (2) in the spirit of sections 20.1 and 20.3 of this chapter.**

**(g) The executive committee of the court, assisted by the small claims judges, may establish a regular hourly schedule for the performance of duties by full-time and part-time small claims**

judges. A small claims judge shall maintain the schedule. If the executive committee of the court does not establish a regular hourly schedule, the small claims judge shall perform the small claims judge's duties at regular, reasonable hours. Regardless of whether a regular hourly schedule has been established under this subsection, a small claims judge shall hold sessions in addition to the small claims judge's regular schedule when the business of the small claims judge's court requires.

SECTION 79. IC 33-33-49-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 14.1. The small claims division of the court is composed of township divisions. The name of each township division shall be the " \_\_\_\_\_ Township of Marion County Small Claims Division".**

SECTION 80. IC 33-33-49-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 14.2. (a) The voters of each township having a small claims division of the court shall elect a small claims constable at the general election every four (4) years for a term of office of four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.**

**The ballot must state the:**

- (1) name of the candidate; and**
- (2) division of the court for which the candidate is to serve.**

**(b) Each township small claims division of the court shall have a constable who:**

- (1) acts as the bailiff;**
- (2) serves the division's personal service of process;**
- (3) has police powers to:**
  - (A) make arrests;**
  - (B) keep the peace; and**
  - (C) carry out the orders of the court;**
- (4) meets the qualifications prescribed by IC 3-8-1-31;**
- (5) is compensated for each process that is delivered to effect personal service when serving as the bailiff;**
- (6) is responsible for:**
  - (A) the preparation and mailing of all registered or certified service and is compensated for each process served by mail; and**
  - (B) all the official acts of the deputies;**
- (7) is compensated solely from the service of process fees collected under IC 33-37-4-6.5; and**
- (8) may require a deputy to give a bond for the proper discharge of the deputy's duties for an amount fixed by the constable.**

**(c) The elected constable may appoint full-time and part-time deputies for assistance in the performance of official duties who:**

- (1) perform all the official duties required to be performed by**

- the constable;
- (2) possess the same statutory and common law powers and authority as the constable;
- (3) must take the same oath required of the constable;
- (4) are compensated solely from the service of process fees collected under IC 33-37-4-6.5; and
- (5) serve at the pleasure of the constable and may be dismissed at any time with or without cause.

(d) If there is an:

- (1) emergency; or
  - (2) inability of a constable to carry out the constable's duties;
- the small claims judge may appoint a special constable to carry out the duties of the constable during the emergency or inability.

SECTION 81. IC 33-33-49-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 15. (a) The executive committee, with the approval of two-thirds (2/3) of the judges, shall determine the number of hearing judges, commissioners, referees, bail commissioners, court reporters, probation officers, and other personnel required to efficiently serve the court. The salaries of the personnel shall be fixed and paid as provided by law.

(b) The administrative officers shall perform the duties prescribed by the executive committee and shall operate under the jurisdiction of the executive committee and serve at the pleasure of the executive committee.

(c) The executive committee shall see that the court at all times is amply provided with supplies and sufficient clerical and other help, including extra reporters or bailiffs, when needed. Each judge shall appoint the judge's court reporters, bailiffs, secretary, commissioners, and clerks. **Personnel of the small claims division of the court shall be appointed under rules of the court.** In addition to the specified duties of this subsection, the executive committee shall exercise any other powers and duties that may be assigned to the executive committee by an order book entry signed by a two-thirds (2/3) majority of the judges. At least once each month, a general term conference of all superior division judges must be held, at which the presiding judge shall preside. A special order book must be kept for the court in which shall be entered all special rules, proceedings, and similar matters. During an absence or a vacation of a judge who is a member of the executive committee, the senior superior court judge shall act for the absent member, if necessary.

SECTION 82. IC 33-33-49-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 17. (a) **Except as provided in subsection (b),** the court shall hold sessions in:

- (1) the city-county building in Indianapolis; and
- (2) other places in Marion County as the court determines.

(b) The city-county council shall:

- (1) provide and maintain in the building and at other places in

Marion County as the court may determine suitable and convenient courtrooms for the holding of the court, suitable and convenient jury rooms, and offices for the judges, other court officers and personnel, and other facilities as are necessary; ~~and~~ (2) provide all necessary furniture and equipment for rooms and offices of the court;

**(3) determine whether each of the township divisions of the small claims division of the court shall be a full-time or part-time division; and**

**(4) determine where each of the township divisions of the small claims division of the court shall hold sessions.**

SECTION 83. IC 33-33-49-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 19. The court shall maintain a single order book for each division or room of the court that may be signed on behalf of the court by the judge **or small claims judge** of that division or room of the court. The signature of the judge **or small claims judge** authenticates the actions of the court.

SECTION 84. IC 33-33-49-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 20. **Except as otherwise provided in this chapter concerning the small claims division of the court**, all laws of Indiana and rules adopted by the supreme court governing the circuit court in matters of pleadings, practice, the issuing and service of process, the giving of notice, the appointing of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court apply to and govern the court.

SECTION 85. IC 33-33-49-20.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 20.1. A simplified procedure applies to and governs the small claims division of the court. The simplified procedure shall be established by rule to enable any person, including the state, to:**

**(1) file the necessary papers; and**

**(2) present the person's case in court;**

**either to seek or to defend against a small claim without consulting or being represented by an attorney.**

SECTION 86. IC 33-33-49-20.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 20.2. (a) Upon the filing of a complaint in the small claims division of the court, service of original process shall be attempted by personal service of the summons and complaint on the defendant, which may include leaving a copy of the service at the last known place of residence of the party if the process server properly describes on the return the residence, noting any of its unique features, and mailing by first class a copy of the service without charge to the party at the same**

1 last known place of residence.

2 (b) If service cannot be made in this manner, service of process  
3 shall be made in an alternate manner as provided by the Indiana  
4 Rules of Civil Procedure.

5 (c) Subsequent service of process, other than that originally  
6 served upon filing of the complaint, may be made by registered or  
7 certified mail or another manner authorized by the Indiana Rules  
8 of Civil Procedure.

9 SECTION 87. IC 33-33-49-20.3 IS ADDED TO THE INDIANA  
10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JANUARY 1, 2011]: Sec. 20.3. (a) A trial in the small  
12 claims division of the court:

13 (1) must be informal, with the sole objective of dispensing  
14 speedy justice between the parties according to the rules of  
15 substantive law; and

16 (2) may not be bound by the statutory provisions or rules of  
17 practice, procedure, pleadings, or evidence, except the  
18 provisions relating to privileged communications and offers  
19 of compromise.

20 (b) There may not be a trial by jury in the small claims division  
21 of the court.

22 (c) A filing of a civil claim in the small claims division of the  
23 court constitutes a waiver of trial by jury by the plaintiff.

24 (d) A defendant in a small claims case waives the right to trial  
25 by jury unless the defendant requests a jury trial at least three (3)  
26 calendar days before the trial date that appears on the complaint.  
27 Upon the filing of a jury trial request, the small claims division of  
28 the court shall transfer the claim out of the small claims division to  
29 the general jurisdiction of the court. The defendant shall pay all  
30 costs necessary for filing the claim in the general jurisdiction of the  
31 court as if the cause had been filed initially in the general  
32 jurisdiction of the court.

33 (e) A notice of claim filed in the small claims division of the  
34 court must include a statement that reflects the provisions of  
35 subsection (d).

36 SECTION 88. IC 33-33-49-20.4 IS ADDED TO THE INDIANA  
37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
38 [EFFECTIVE JANUARY 1, 2011]: Sec. 20.4. (a) Except for a claim  
39 between landlord and tenant, a case within the jurisdiction of a  
40 township small claims division may be:

41 (1) venued;

42 (2) commenced; and

43 (3) decided;

44 in any township small claims division within the county. However,  
45 upon a motion for change of venue filed by the defendant within  
46 ten (10) days after service of the summons, the township small  
47 claims division in which the motion was filed shall determine in  
48 accordance with subsection (b) whether required venue lies with it

1 or with another township small claims division in the county in  
2 which the small claims action was filed.

3 (b) The venue determination to be made under subsection (a)  
4 must be made in the following order:

5 (1) In an action upon a debt or an account, venue is in the  
6 township where any defendant has consented to venue in a  
7 writing signed by the defendant.

8 (2) Venue is in the township where a transaction or  
9 occurrence giving rise to any part of the claim took place.

10 (3) Venue is in the township (in a county of the small claims  
11 division) where the greater percentage of individual  
12 defendants included in the complaint resides or, if there is not  
13 a greater percentage, the place where any individual named  
14 as a defendant:

15 (A) resides;

16 (B) owns real estate; or

17 (C) rents an apartment or real estate or where the  
18 principal office or place of business of any defendant is  
19 located.

20 (4) Venue is in the township where the claim was filed if there  
21 is no other township in the county in which the small claims  
22 division sits in which required venue lies.

23 (c) Venue of any claim between landlord and tenant must be in  
24 the township where the real estate is located.

25 (d) If a written motion challenging venue is received by the  
26 township small claims division, the township small claims division  
27 shall rule whether required venue lies in the township of filing.

28 SECTION 89. IC 33-33-49-20.5 IS ADDED TO THE INDIANA  
29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
30 [EFFECTIVE JANUARY 1, 2011]: Sec. 20.5. (a) If the small claims  
31 judgment or order is against the defendant, the defendant shall pay  
32 the judgment at any time and upon terms and conditions as the  
33 small claims judge orders.

34 (b) If the small claims judge orders that the judgment be paid  
35 in specified installments, the small claims judge may stay the  
36 issuance of execution and other supplementary process during the  
37 period of compliance with the order.

38 (c) A stay ordered under subsection (b) may be modified or  
39 vacated by the small claims division of the court.

40 (d) All small claims judgments rendered in civil actions may be  
41 recorded in the judgment docket book of the proper township  
42 small claims division of the court.

43 (e) A judgment entered by a small claims judge is a lien on real  
44 estate when entered in the circuit court judgment docket in the  
45 same manner as a judgment in a court of general jurisdiction  
46 becomes a lien on real estate under IC 34-55-9.

47 (f) The judgments of the small claims division of the court shall  
48 be entered and properly indexed in the name of the judgment

1 **defendant as judgments of the general jurisdiction of the court are**  
 2 **entered and indexed.**

3 SECTION 90. IC 33-33-49-22 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 22. **(a)** A party  
 5 may appeal an order or a judgment of the court in any case where an  
 6 appeal may be had from a similar order or judgment of the circuit court.

7 **(b) All appeals from judgments of the small claims division of**  
 8 **the court shall be taken to the general jurisdiction of the court and**  
 9 **tried de novo. The rules of procedure for appeals must be in**  
 10 **accordance with the rules established by the court. The appellant**  
 11 **shall pay all costs necessary for the filing of the case in the general**  
 12 **jurisdiction of the court as if the appeal were a case that had been**  
 13 **filed initially in the general jurisdiction of the court.**

14 SECTION 91. IC 33-33-49-24 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 24. **(a)** The judge  
 16 of the Marion circuit court may, with the consent of the court acting  
 17 through the superior court presiding judge under rules adopted by the  
 18 court, transfer any action, cause, or proceeding filed and docketed in  
 19 the circuit court to the court by transferring all original papers and  
 20 instruments filed in that action, cause, or proceeding without further  
 21 transcript to be redocketed and disposed of as if originally filed with  
 22 the court.

23 **(b) The superior court presiding judge may not consent to a**  
 24 **transfer to the small claims division of the court unless:**

25 **(1) the small claims division of the court has jurisdiction of the**  
 26 **cause concurrent with the circuit court; and**

27 **(2) the small claims judge consents to the transfer.**

28 SECTION 92. IC 33-33-49-25.1 IS ADDED TO THE INDIANA  
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 30 [EFFECTIVE JANUARY 1, 2011]: Sec. 25.1. **(a) A judge of the court**  
 31 **may order a cause filed in the general jurisdiction of the court to**  
 32 **be transferred to the small claims division of the court if:**

33 **(1) the small claims division of the court has jurisdiction of the**  
 34 **cause concurrent with the general jurisdiction of the court;**  
 35 **and**

36 **(2) the small claims judge consents to the transfer.**

37 **(b) The presiding judge may transfer cases from one (1)**  
 38 **township small claims division of the court to another as necessary.**

39 SECTION 93. IC 33-33-49-26 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 26. The judge of  
 41 the Marion circuit court may sit as a judge **or small claims judge** of  
 42 the court, with the court's permission, in all matters pending before the  
 43 court, without limitation and without any further order, in the same  
 44 manner as a judge of the court with all the rights and powers of an  
 45 elected judge **or small claims judge** of the court.

46 SECTION 94. IC 33-33-49-26.1 IS ADDED TO THE INDIANA  
 47 CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2011]: **Sec. 26.1. (a) A judge of the court may sit as a special small claims judge in the small claims division of the court.**

**(b) Except for mileage and travel expenses, a judge serving as a special small claims judge under this section may not receive compensation in addition to the salary provided under this article.**

**(c) A small claims judge may sit in place of another small claims judge and perform the other small claims judge's duties:**

**(1) at the direction of or with the approval of the presiding judge; and**

**(2) with the consent of the respective judges.**

SECTION 95. IC 33-33-49-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 27. Each judge **and small claims judge**, before entering upon the duties of office, shall take and subscribe the following oath or affirmation:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Indiana and that I will faithfully discharge the duties of (judge **or small claims judge**) of the superior court of Marion County to the best of my ability."

The oath shall be filed with the clerk of the county.

SECTION 96. IC 33-33-49-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 30. (a) A judge remains qualified to hold office as long as the judge:

(1) remains fair and impartial in judicial functions;

(2) maintains a high standard of morality in dealings, public and private;

(3) remains physically and mentally capable of performing all the functions and duties of the office of judge; and

(4) continues to reside in Marion County.

**(b) A small claims judge remains qualified to hold office as long as the small claims judge meets the requirements of subsection (a) and:**

**(1) continues to reside in the township from which the small claims judge was elected; or**

**(2) was elected as a small claims judge in the township before January 1, 1999.**

~~(b)~~ (c) Complaints against a judge **or small claims judge** must be forwarded to the commission on judicial qualifications as provided in IC 33-38-13 by any judge **or small claims judge** of the superior court.

~~(c)~~ (d) A judge of the court must retire upon becoming seventy-five (75) years of age. If the judge wishes to retire before the judge's term has ended or upon reaching the mandatory retirement age, the judge shall provide written notice to the presiding judge of the court. The judge shall continue to hold office until a successor has been appointed and qualified.

~~(d)~~ (e) When a vacancy occurs ~~in the court~~ among the:



(1) judges of the court by death, removal, retirement, or for any other reason, the governor shall appoint a successor judge who:

(A) serves the balance of the term of the vacating judge; ~~The successor judge must be and~~

(B) is a member of the same political party as the judge who is to be succeeded; and

(2) small claims judges of the court by death, removal, retirement, or any other reason, the vacancy shall be filled under IC 3-13-10.

SECTION 97. IC 33-33-49-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 34. (a) The clerk of the superior court shall furnish the following:

(1) All blanks, forms, and papers required for use in all criminal cases and in all civil actions involving actions by a city or town for violations of municipal penal ordinances.

(2) All books, papers, stationery, furniture, and other equipment and supplies necessary for keeping the records of the proceedings in all rooms and divisions of the superior court and for the transaction of all business of the court.

(3) Necessary computerization of court records.

(b) The materials required under this section shall be furnished at the expense of the county.

(c) The presiding judge of the court, by an order entered on the court records signed by the presiding judge, shall determine and prescribe the forms of the following:

(1) All summonses, notices, subpoenas, warrants, affidavits, complaints, writs, and all other papers and anything else required to be used in the cases relating to violations of criminal statutes or municipal ordinances.

(2) All other books, records, papers, and documents to be used by the court and by the officers of the court and the prosecutors.

In the absence of an order under this subsection, those charged with the duty of prosecuting cases involving either criminal offenses or the violation of municipal ordinances may adopt, change, order, and use all necessary forms and instruments as conform substantially to the practice and procedure applicable.

SECTION 98. IC 33-37-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. (a) **Except as provided in subsection (b),** court costs fees under this chapter include service of process by certified mail, unless service by the sheriff is requested by the person who institutes the action.

**(b) Court costs fees under this chapter do not include service of process fees collected under IC 33-37-4-6.5.**

SECTION 99. IC 33-37-4-4, AS AMENDED BY P.L.174-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This

subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- (4) Proceedings in paternity under IC 31-14.
- ~~(5) Proceedings in small claims court under IC 33-34.~~
- ~~(6)~~ (5) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A support and maintenance fee (IC 33-37-5-6).
- (3) A document storage fee (IC 33-37-5-20).
- (4) An automated record keeping fee (IC 33-37-5-21).
- (5) A public defense administration fee (IC 33-37-5-21.2).
- (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- (7) A judicial salaries fee (IC 33-37-5-26).
- (8) A court administration fee (IC 33-37-5-27).
- (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
- (10) A garnishee service fee (IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4)).

SECTION 100. IC 33-37-4-6, AS AMENDED BY P.L.174-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. (a) **Except as provided in section 6.5 of this chapter**, for each small claims action, the clerk shall collect the following fees:

- (1) From the party filing the action:
  - (A) a small claims costs fee of thirty-five dollars (\$35);
  - (B) a small claims service fee of ten dollars (\$10) for each named defendant that is not a garnishee defendant; and
  - (C) if the party has named more than three (3) garnishees or garnishee defendants, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3).
- (2) From any party adding a defendant that is not a garnishee defendant, a small claims service fee of ten dollars (\$10) for each defendant that is not a garnishee defendant added in the action.
- (3) From any party adding a garnishee or garnishee defendant, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a small claims garnishee service fee for the first three (3) garnishees named in the action.

However, a clerk may not collect a small claims costs fee, small claims

1 service fee, or small claims garnishee service fee for a small claims  
2 action filed by or on behalf of the attorney general.

3 (b) In addition to a small claims costs fee, small claims service fee,  
4 and small claims garnishee service fee collected under this section, the  
5 clerk shall collect the following fees, if they are required under  
6 IC 33-37-5:

7 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
8 IC 33-37-5-4).

9 (2) A document storage fee (IC 33-37-5-20).

10 (3) An automated record keeping fee (IC 33-37-5-21).

11 (4) A public defense administration fee (IC 33-37-5-21.2).

12 (5) A judicial insurance adjustment fee (IC 33-37-5-25).

13 (6) A judicial salaries fee (IC 33-37-5-26).

14 (7) A court administration fee (IC 33-37-5-27).

15 SECTION 101. IC 33-37-4-6.5 IS ADDED TO THE INDIANA  
16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JANUARY 1, 2011]: **Sec. 6.5. (a) For each small**  
18 **claims action filed under the jurisdiction of IC 33-33-49-9(b), the**  
19 **clerk shall collect from the party filing the action the following**  
20 **fees:**

21 (1) **A township docket fee of five dollars (\$5) plus forty-five**  
22 **percent (45%) of the infraction or ordinance violation costs**  
23 **fee under IC 33-37-4-2.**

24 (2) **The bailiff's service of process by registered or certified**  
25 **mail fee of thirteen dollars (\$13) for each service.**

26 (3) **The cost for the personal service of process by the bailiff**  
27 **or other process server of thirteen dollars (\$13) for each**  
28 **service.**

29 (4) **Witness fees, if any, in the amount provided by**  
30 **IC 33-37-10-3 to be taxed and charged in the circuit court.**

31 (5) **A redocketing fee, if any, of five dollars (\$5).**

32 (6) **A document storage fee under IC 33-37-5-20.**

33 (7) **An automated record keeping fee under IC 33-37-5-21.**

34 (8) **A late fee, if any, under IC 33-37-5-22.**

35 (9) **A public defense administration fee under IC 33-37-5-21.2.**

36 **The docket fee and the cost for the initial service of process shall be**  
37 **paid at the institution of a case. The cost of service after the initial**  
38 **service shall be assessed and paid after service has been made. The**  
39 **cost of witness fees shall be paid before the witnesses are called.**

40 **(b) If the amount of the township docket fee computed under**  
41 **subsection (a)(1) is not equal to a whole number, the amount shall**  
42 **be rounded to the next highest whole number.**

43 SECTION 102. IC 33-37-5-21.2, AS AMENDED BY P.L.1-2006,  
44 SECTION 509, IS AMENDED TO READ AS FOLLOWS  
45 [EFFECTIVE JANUARY 1, 2011]: **Sec. 21.2. (a) This subsection does**  
46 **not apply to the following:**

47 (1) **A criminal proceeding.**

(2) A proceeding to enforce a statute defining an infraction.

(3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a ~~court described in IC 33-34~~, **division established under IC 33-33-49-14(c)(5)**, the clerk shall collect a public defense administration fee of three dollars (\$3).

(b) In each action in which a person is:

(1) convicted of an offense;

(2) required to pay a pretrial diversion fee;

(3) found to have committed an infraction; or

(4) found to have violated an ordinance;

the clerk shall collect a public defense administration fee of three dollars (\$3).

SECTION 103. IC 33-37-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 22. (a) Except as provided in subsection (e), this section applies to an action if all the following apply:

(1) The defendant is found, in a court that has a local court rule imposing a late payment fee under this section, to have:

(A) committed a crime;

(B) violated a statute defining an infraction;

(C) violated an ordinance of a municipal corporation; or

(D) committed a delinquent act.

(2) The defendant is required to pay:

(A) court costs, including fees;

(B) a fine; or

(C) a civil penalty.

(3) The defendant is not determined by the court imposing the court costs, fine, or civil penalty to be indigent.

(4) The defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:

(A) The end of the business day on which the court enters the conviction or judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the court.

(b) A court may adopt a local rule to impose a late payment fee under this section on defendants described in subsection (a).

(c) Subject to subsection (d), the clerk of a court that adopts a local rule imposing a late payment fee under this section shall collect a late payment fee of twenty-five dollars (\$25) from a defendant described in subsection (a).

(d) Notwithstanding IC 33-37-2-2, a court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine, or a civil penalty.

(e) A plaintiff or defendant in ~~an~~ a **small claims** action under

~~IC 33-34~~ **IC 33-33-49** shall pay a late fee of twenty-five dollars (\$25) if the plaintiff or defendant:

(1) is required to pay court fees or costs under ~~IC 33-34-8-1~~, **IC 33-37-4-6.5**;

(2) is not determined by the court imposing the court costs to be indigent; and

(3) fails to pay the costs in full before the later of the following:

(A) The end of the business day on which the court enters the judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs under rules adopted for the operation of the court.

A court may suspend a late payment fee if the court finds that the plaintiff or defendant has demonstrated good cause for failure to make timely payment of the fee.

SECTION 104. IC 33-37-5-26, AS ADDED BY P.L.176-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 26. (a) This subsection does not apply to the following:

(1) A criminal proceeding.

(2) A proceeding for an infraction violation.

(3) A proceeding for an ordinance violation.

(4) A small claims action.

In each action filed in a court described in IC 33-37-1-1, the clerk shall collect a judicial salaries fee equal to the amount specified in the schedule in subsection (d).

(b) In each small claims action filed in a court described in IC 33-37-1-1 or ~~IC 33-34~~, **in a division established under IC 33-33-49-14(c)(5)**, the clerk shall collect a judicial salaries fee specified in the schedule in subsection (e).

(c) In each action in which a person is:

(1) convicted of an offense;

(2) required to pay a pretrial diversion fee;

(3) found to have violated an infraction; or

(4) found to have violated an ordinance;

the clerk shall collect a judicial salaries fee specified in the schedule in subsection (d).

(d) Beginning:

(1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15);

(2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is sixteen dollars

- 1 (\$16);
- 2 (3) after June 30 immediately preceding the second state fiscal
- 3 year in which salaries are increased under IC 33-38-5-8.1 and
- 4 ending before July 1 of the third state fiscal year after June 30,
- 5 2006, in which salaries are increased under IC 33-38-5-8.1, the
- 6 judicial salaries fee to which this subsection applies is seventeen
- 7 dollars (\$17);
- 8 (4) after June 30 immediately preceding the third state fiscal year
- 9 in which salaries are increased under IC 33-38-5-8.1 and ending
- 10 before July 1 of the fourth state fiscal year after June 30, 2006, in
- 11 which salaries are increased under IC 33-38-5-8.1, the judicial
- 12 salaries fee to which this subsection applies is eighteen dollars
- 13 (\$18);
- 14 (5) after June 30 immediately preceding the fourth state fiscal
- 15 year in which salaries are increased under IC 33-38-5-8.1 and
- 16 ending before July 1 of the fifth state fiscal year after June 30,
- 17 2006, in which salaries are increased under IC 33-38-5-8.1, the
- 18 judicial salaries fee to which this subsection applies is nineteen
- 19 dollars (\$19); and
- 20 (6) after June 30 immediately preceding the fifth state fiscal year
- 21 in which salaries are increased under IC 33-38-5-8.1, the judicial
- 22 salaries fee to which this subsection applies is twenty dollars
- 23 (\$20).
- 24 (e) Beginning:
- 25 (1) after June 30, 2005, and ending before July 1 of the first state
- 26 fiscal year after June 30, 2006, in which salaries are increased
- 27 under IC 33-38-5-8.1, the judicial salaries fee to which this
- 28 subsection applies is ten dollars (\$10);
- 29 (2) after June 30 immediately preceding the first state fiscal year
- 30 in which salaries are increased under IC 33-38-5-8.1 and ending
- 31 before July 1 of the second state fiscal year after June 30, 2006,
- 32 in which salaries are increased under IC 33-38-5-8.1, the judicial
- 33 salaries fee to which this subsection applies is eleven dollars
- 34 (\$11);
- 35 (3) after June 30 immediately preceding the second state fiscal
- 36 year in which salaries are increased under IC 33-38-5-8.1 and
- 37 ending before July 1 of the third state fiscal year after June 30,
- 38 2006, in which salaries are increased under IC 33-38-5-8.1, the
- 39 judicial salaries fee to which this subsection applies is twelve
- 40 dollars (\$12);
- 41 (4) after June 30 immediately preceding the third state fiscal year
- 42 in which salaries are increased under IC 33-38-5-8.1 and ending
- 43 before July 1 of the fourth state fiscal year after June 30, 2006, in
- 44 which salaries are increased under IC 33-38-5-8.1, the judicial
- 45 salaries fee to which this subsection applies is thirteen dollars
- 46 (\$13);
- 47 (5) after June 30 immediately preceding the fourth state fiscal

year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fourteen dollars (\$14); and  
 (6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15).

SECTION 105. IC 33-37-5-27, AS AMENDED BY P.L.80-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 27. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding to enforce a statute defining an infraction.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a ~~court described in IC 33-34~~, **division established under IC 33-33-49-14(c)(5)**, the clerk shall collect a court administration fee of three dollars (\$3).

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have committed an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a court administration fee of three dollars (\$3).

SECTION 106. IC 33-37-7-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 4.5. The clerk of a circuit court in a county having a consolidated city shall forward to the controller of the consolidated city one hundred percent (100%) of the fees collected under the following:**

- (1) IC 33-37-4-6.5(a)(1) (township docket fees).
- (2) IC 33-37-4-6.5(a)(2) (bailiff's service of process fees).
- (3) IC 33-37-4-6.5(a)(3) (service of process costs).
- (4) IC 33-37-4-6.5(a)(4) (witness fees).
- (5) IC 33-37-4-6.5(a)(5) (redocketing fees).

**The clerk shall forward the fees in accordance with section 12 of this chapter.**

SECTION 107. IC 33-38-5-6, AS AMENDED BY P.L.159-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. (a) The annual salary of each full-time judge of a circuit, superior, municipal, county, or probate court is one hundred ten thousand five hundred dollars (\$110,500), as adjusted after June 30, 2006, under section 8.1 of this chapter, paid by the state. In addition, a judge under this section may receive any additional salary provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state

1 shall deposit quarterly the money received from the counties under  
2 subsection (c) for additional salary in the state general fund.

3 (b) Before November 2 of each year, the county auditor of each  
4 county shall certify to the division of state court administration the  
5 amounts, if any, to be provided by the county during the ensuing  
6 calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

7 (c) When making each payment under subsection (a), the county  
8 shall determine for each judge whether the total of:

9 (1) the payment made on behalf of that judge;

10 (2) previous payments made on behalf of that judge in the same  
11 calendar year; and

12 (3) the state share of the judge's salary under subsection (a);  
13 exceeds the Social Security wage base established by the federal  
14 government for that year. If the total does not exceed the Social  
15 Security wage base, the payment on behalf of that judge must also be  
16 accompanied by an amount equal to the employer's share of Social  
17 Security taxes and Medicare taxes. If the total exceeds the Social  
18 Security wage base, the part of the payment on behalf of the judge that  
19 is below the Social Security wage base must be accompanied by an  
20 amount equal to the employer's share of Social Security taxes and  
21 Medicare taxes, and the part of the payment on behalf of the judge that  
22 exceeds the Social Security wage base must be accompanied by an  
23 amount equal to the employer's share of Medicare taxes. Payments  
24 made under this subsection shall be deposited in the state general fund  
25 under subsection (a).

26 (d) For purposes of determining the amount of life insurance  
27 premiums to be paid by a judge who participates in a life insurance  
28 program that:

29 (1) is established by the state;

30 (2) applies to a judge who is covered by this section; and

31 (3) bases the amount of premiums to be paid by the judge on the  
32 amount of the judge's salary;

33 the judge's salary does not include any amounts paid to the state by a  
34 county under subsection (a).

35 **(e) This section does not apply to a small claims judge (as**  
36 **defined in IC 33-33-49-5.2).**

37 SECTION 108. IC 33-38-5-6.1 IS ADDED TO THE INDIANA  
38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
39 [EFFECTIVE JANUARY 1, 2011]: **Sec. 6.1. (a) This section applies**  
40 **to a small claims judge (as defined in IC 33-33-49-5.2).**

41 **(b) The salary of a small claims judge who serves full time must**  
42 **be in an amount determined by the auditor of the county and**  
43 **approved by the city-county council.**

44 **(c) The salary of each small claims judge who serves part time**  
45 **must be in an amount determined by the auditor of the county and**  
46 **approved by the city-county council.**

47 **(d) The salary of a small claims judge may not be reduced**



1 during the small claims judge's term of office. At any other time,  
 2 the salary of any full-time or part-time small claims judge may be  
 3 increased or decreased by the auditor with the approval of the  
 4 city-county council.

5 (e) The annual salary of a small claims judge shall be paid in  
 6 twelve (12) equal monthly installments by the county.

7 (f) A small claims judge may not receive remuneration other  
 8 than a salary set under this section for the performance of the  
 9 small claims judge's official duties except payments for performing  
 10 marriage ceremonies.

11 SECTION 109. IC 33-38-6-7 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) As used in  
 13 this chapter, "judge" means a person who serves or has served as a  
 14 regular judge or justice of one (1) or more of the following courts:

- 15 (1) Supreme court.
- 16 (2) Court of appeals.
- 17 (3) Indiana tax court.
- 18 (4) Circuit court of a judicial circuit.
- 19 (5) Superior court of a county.
- 20 (6) Criminal court of a county having a separate criminal court.
- 21 (7) Probate court of a county having a separate probate court.
- 22 (8) Juvenile court of a county having a separate juvenile court.
- 23 (9) Municipal court of a county.
- 24 (10) County court of a county.

25 (b) The term does not include a small claims judge (as defined  
 26 in IC 33-33-49-5.2).

27 SECTION 110. IC 33-38-12-3 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. As used in this  
 29 chapter, "judge" means an individual who holds or formerly held one  
 30 (1) of the following offices or appointments:

- 31 (1) Justice of the supreme court.
- 32 (2) Judge of the court of appeals.
- 33 (3) Judge of the tax court.
- 34 (4) Judge of a circuit court.
- 35 (5) Judge of a superior court.
- 36 (6) Judge of a probate court.
- 37 (7) Judge of a municipal court.
- 38 (8) Judge of a county court.
- 39 (9) Judge of a city court.
- 40 (10) Judge of a town court.
- 41 (11) ~~Small claims judge. of a small claims court.~~
- 42 (12) A judge pro tempore, senior judge, temporary judge, or any  
 43 other individual serving as judge in an action or a proceeding in  
 44 an Indiana court.
- 45 (13) Bail commissioner.
- 46 (14) Magistrate.
- 47 (15) Master commissioner.

(16) Probate commissioner.

(17) Referee.

SECTION 111. IC 33-38-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. As used in this chapter, "judge" means:

(1) a judge of a superior or probate court; **and**

(2) **a small claims judge (as defined in IC 33-33-49-5.2).**

SECTION 112. IC 33-41-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) This section applies to the small claims ~~court division~~ established under ~~IC 33-34-1C 33-33-49-14(c)(5).~~

(b) The person who is designated by a **small claims** judge of the court to prepare transcripts may collect a fee of not more than five dollars (\$5) for each transcript from a person who requests the preparation of a transcript.

SECTION 113. IC 34-30-2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 58. IC 15-3-4-2 (Concerning township trustees, **a health and hospital corporation established under IC 16-22-8**, or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 114. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.1. (a) This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied the fire ~~departments~~ **department of the following are a township (referred to as "the consolidating township")** is consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department").

(1) ~~A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the consolidated city.~~

(2) ~~Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).~~

(b) If the requirements of subsection (g) are satisfied, the consolidated fire department shall provide fire protection services within ~~an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied~~ **the consolidating township** on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city. **The ordinance may provide for a transition period between the date of the adoption of the ordinance and the effective date of the consolidation, which may not be later than January 1, 2009. The ordinance may prescribe a process for the transition.**

(c) If the requirements of subsection (g) are satisfied and the fire department of ~~an entity listed in subsection (a)~~ **the consolidating township** is consolidated into the fire department of the consolidated

city, all of the property, equipment, records, rights, and contracts of the fire department ~~consolidated into the fire department of the consolidated city of the consolidating township~~ are:

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located.

(d) If the requirements of subsection (g) are satisfied and the fire department of ~~an entity listed in subsection (a)~~ **the consolidating township** is consolidated into the fire department of the consolidated city, the employees of the fire department ~~consolidated into the fire department of the consolidated city consolidating township~~ cease employment with the fire department of the ~~entity listed in subsection (a)~~ **consolidating township** and become employees of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:

(1) are in effect on the effective date of the consolidation; and

(2) apply to employees of the fire department ~~consolidated into the fire department of the consolidated city of the consolidating township~~ who become employees of the consolidated fire department.

(e) If the requirements of subsection (g) are satisfied and the fire department of ~~an entity listed in subsection (a)~~ **the consolidating township** is consolidated into the fire department of a consolidated city, the indebtedness related to fire protection services incurred before the effective date of the consolidation by the ~~entity consolidating township~~ or a building, holding, or leasing corporation on behalf of the ~~entity whose fire department is consolidated into the consolidated fire department under subsection (a)~~ **shall remain consolidating township remains** the debt of the **entity consolidating township** and does not become and may not be assumed by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation ~~shall remain~~ **remains** the ~~debt~~ **indebtedness** of the consolidated city and **the consolidated city may levy** property taxes ~~levied to pay the debt~~ **may indebtedness** only ~~be levied by~~ **in** the fire special service district **and not in the area of the consolidating township outside the fire special service district. Indebtedness related to fire protection services that is incurred by the consolidated city after the effective date of the consolidation is indebtedness of the consolidated city and the consolidated city may levy property taxes to pay the indebtedness only in the combined area of the fire special service district and each consolidating township outside the fire special service district.**

(f) If the requirements of subsection (g) are satisfied and the fire department of ~~an entity listed in subsection (a)~~ **a consolidating township** is consolidated into the fire department of a consolidated city, the merit board and the merit system of the fire department that is consolidated are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) **This subsection does not apply to Center Township or a township that fulfilled the requirements of this subsection as it existed before July 1, 2007.** A township legislative body ~~after approval by the township trustee, may adopt a~~ **shall vote on a** resolution ~~approving the consolidation of~~ **to determine whether to consolidate** the township's fire department with the fire department of the consolidated city. ~~A~~ **The resolution that is voted on by the township legislative body must contain the following language:**

**"The fire department of (insert name of the township) shall be consolidated into the Indianapolis Fire Department."**

**The township legislative body** ~~may adopt~~ **may vote on** a resolution under this subsection only after the township legislative body has held ~~a public hearing at least three (3) public hearings~~ **concerning the proposed consolidation.** The township legislative body shall hold the **first** hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. **If at least four (4) members of the township legislative body** ~~has adopted a resolution under this subsection~~ **vote to adopt the resolution, the township trustee shall approve or reject the resolution within five (5) days after the resolution is presented to the trustee. If the trustee approves the resolution, the resolution is adopted and the township legislative body shall forward the resolution to the legislative body of the consolidated city. If the township trustee rejects the resolution, either by returning it to the legislative body with a message announcing the trustee's rejection and reasons for the rejection or by not acting to approve or reject the resolution within five (5) days after the resolution is presented to the trustee, the resolution shall be considered defeated unless the township legislative body, at its first regular or special meeting passes the resolution over the trustee's rejection by an affirmative vote of four (4) members of the legislative body. The township legislative body and the township trustee must complete their actions in the adoption or rejection of a resolution under this subsection not later than December 31, 2007. If the resolution is adopted, the township legislative body shall** ~~after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the~~

consolidated city adopts an ordinance ~~approved by the mayor of the consolidated city~~, approving the consolidation of the fire department of the township into the fire department of the consolidated city, **and the mayor of the consolidated city approves the ordinance**, the requirements of this subsection are satisfied. The consolidation shall take effect **not later than January 1, 2009**, on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) The following apply if the requirements of subsection (g) are satisfied:

(1) The consolidation of the fire department of ~~that the consolidating~~ township is effective **not later than January 1, 2009**, on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) For property taxes first due and payable in the **first calendar year in which after** the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year **immediately** preceding the year in which the consolidation is effective for fire protection and related services **by for the consolidating** township; ~~whose fire department is consolidated into the fire department of the consolidated city under this section~~; and

(B) is reduced for the **consolidating** township ~~whose fire department is consolidated into the fire department of the~~

consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in **determined under clause (A) for the year immediately** preceding the year in which the consolidation is effective, for fire protection and related services for the township.

(5) The amount levied in **balance on** the year preceding the year in which **date** the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for in the **consolidating** township's cumulative building and equipment fund for fire protection and related services: is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services:

(A) remains in that fund; and

(B) shall be used by the consolidating township to pay any indebtedness related to fire protection services incurred before the effective date of the consolidation by the consolidating township or a building, holding, or leasing corporation on behalf of the consolidating township.

After payments are made under clause (B), the consolidating township may use money remaining in the fund to reduce the township's general fund ad valorem property tax levy.

(6) The consolidating township shall transfer to the consolidated city:

(A) the balance on the date the consolidation is effective in the consolidating township's firefighting fund established under IC 36-8-13-4; and

(B) amounts received for that fund by the consolidating township during the remainder of the calendar year in which the consolidation is effective.

~~(6)~~ (7) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the **consolidating** township are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ (8) The consolidated city may levy property taxes ~~within~~ as

1 **part of the consolidated city's maximum permissible ad valorem**  
 2 **property tax levy limit for the following:**

3 (A) To provide for the payment of the expenses for the  
 4 operation of the consolidated fire department. ~~However, The~~  
 5 **consolidated city may levy property taxes under this clause**  
 6 **only in the combined area of the fire special service district**  
 7 **and each consolidating township outside the fire special**  
 8 **service district.**

9 (B) To fund the pension obligation under IC 36-8-7 for  
 10 members of the 1937 firefighters fund who were employees of  
 11 the consolidated city at the time of the consolidation. **The**  
 12 **consolidated city may be levied levy property taxes under**  
 13 **this clause only by in the fire special service district within the**  
 14 **fire special service district. The fire special service district**  
 15 **established under IC 36-3-1-6 may levy property taxes to**  
 16 **provide for the payment of expenses for the operation of the**  
 17 **consolidated fire department within the territory of the fire**  
 18 **special service district. Property taxes and not in the**  
 19 **consolidating township.**

20 (C) To fund the pension obligation under IC 36-8-8 for  
 21 members of the 1977 police officers' and firefighters' pension  
 22 and disability fund who were members of the fire department  
 23 of the consolidated city on the effective date of the  
 24 consolidation. **The consolidated city may be levied levy**  
 25 **property taxes under this clause only by in the fire special**  
 26 **service district within the fire special service district. Property**  
 27 **taxes and not in the consolidating township.**

28 (D) To fund the pension obligation for:

29 (i) members of the 1937 firefighters fund; ~~who were not~~  
 30 ~~members of the fire department of the consolidated city on~~  
 31 ~~the effective date of the consolidation and~~

32 (ii) members of the 1977 police officers' and firefighters'  
 33 pension and disability fund;

34 who were not members of the fire department of the  
 35 consolidated city on the effective date of the consolidation.

36 **The consolidated city may be levied by the consolidated city**  
 37 **within the city's maximum permissible ad valorem levy**  
 38 **property tax levy. However, these taxes may be levied taxes**  
 39 **under this clause only within in the combined area of the**  
 40 **fire special service district and any townships that have**  
 41 **consolidated fire departments under this section: each**  
 42 **consolidating township outside the fire special service**  
 43 **district.**

44 ~~(8)~~ (9) The executive of the consolidated city shall provide for an  
 45 independent evaluation and performance audit, due before March  
 46 1 of the year in which the consolidation is effective and before  
 47 March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers; that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 115. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is ~~established~~ **consolidated** under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in ~~those townships in the county that are consolidated under section 6.1 of this chapter:~~ **the applicable township.**

(b) This section does not prohibit the providing of emergency ambulance services **by contract or** under an interlocal agreement under IC 36-1-7.

SECTION 116. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.3. The consolidated fire department may not provide fire protection services for:**

(1) an excluded city; or

(2) a fire protection territory for which an excluded city is a provider unit (as defined in IC 36-8-19-3);

**unless the fire protection services are provided under an interlocal agreement under IC 36-1-7 or by following the procedures set forth in IC 36-1.5-5.**

SECTION 117. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

#### **Chapter 1.1. Consolidation of Townships**

**Sec. 1. This chapter applies only to a county having a consolidated city.**

**Sec. 2. Except as provided in section 3 of this chapter, if a township and consolidated city fulfill the requirements of IC 36-3-1-6.1(g) for the consolidation of the township fire department into the fire department of a consolidated city after June 30, 2007:**

(1) the functions, duties, and responsibilities of the township, township trustee, and township board concerning fire protection services are transferred on the effective date of the consolidation, which must be:

(A) not later than January 1, 2009; and

(B) agreed to by the township legislative body in its



- 1 resolution and by the legislative body of the consolidated
- 2 city in its ordinance approving the consolidation under
- 3 IC 36-3-1-6.1;
- 4 (2) the office of township trustee of the township is abolished
- 5 effective January 1, 2011;
- 6 (3) the township board of the township is abolished effective
- 7 January 1, 2011;
- 8 (4) effective January 1, 2011:
- 9 (A) the functions, duties, and responsibilities of the
- 10 township trustee under IC 36-6-4-3(7), IC 36-6-4-3(10),
- 11 and IC 36-6-4-3(14) are transferred to the health and
- 12 hospital corporation operating under IC 16-22-8; and
- 13 (B) the functions, duties, and responsibilities:
- 14 (i) of the township trustee other than the functions,
- 15 duties, and responsibilities under IC 36-6-4-3(7),
- 16 IC 36-6-4-3(9), IC 36-6-4-3(10), and IC 36-6-4-3(14); and
- 17 (ii) of the township board of the township;
- 18 are transferred to the consolidated city; and
- 19 (5) beginning with property taxes first due and payable in
- 20 2011:
- 21 (A) the health and hospital corporation operating under
- 22 IC 16-22-8 may levy property taxes only in the combined
- 23 area of the health and hospital corporation and each
- 24 township to which this section applies; and
- 25 (B) the consolidated city may levy property taxes only in
- 26 the combined area of the consolidated city and each
- 27 township to which this section applies.
- 28 **Sec. 3. This section applies only to Center Township and any**
- 29 **township that fulfilled the requirements of IC 36-3-1-6.1(g) as it**
- 30 **existed before July 1, 2007. The following apply to a township**
- 31 **under this section:**
- 32 (1) The functions, duties, and responsibilities (if any) of the
- 33 township, township trustee, and township board concerning
- 34 fire protection services are transferred on the effective date of
- 35 the consolidation, which must be not later than January 1,
- 36 2009, notwithstanding any provision in a resolution or
- 37 ordinance adopted under IC 36-3-1-6.1 that establishes an
- 38 effective date after January 1, 2009.
- 39 (2) Effective January 1, 2011, the office of township trustee of
- 40 the township is abolished.
- 41 (3) Effective January 1, 2011, the township board of the
- 42 township is abolished.
- 43 (4) Effective January 1, 2011:
- 44 (A) the functions, duties, and responsibilities of the
- 45 township trustee under IC 36-6-4-3(7), IC 36-6-4-3(10),
- 46 and IC 36-6-4-3(14) are transferred to the health and
- 47 hospital corporation operating under IC 16-22-8; and
- 48 (B) the functions, duties, and responsibilities:

(i) of the township trustee other than the functions, duties, and responsibilities under IC 36-6-4-3(7), IC 36-6-4-3(9), IC 36-6-4-3(10), and IC 36-6-4-3(14); and  
(ii) of the township board of the township;

are transferred to the consolidated city.

**Sec. 4.** The township assessor of each township that consolidates shall continue to perform all duties prescribed by statute within the township assessor's township and shall continue to be elected as set forth in IC 36-6-5.

**Sec. 5. (a)** On the date the consolidation of the fire department of the township into the fire department of the consolidated city is effective, all:

- (1) assets;
- (2) property rights;
- (3) equipment;
- (4) records;
- (5) personnel (except as otherwise provided by statute); and
- (6) contracts;

connected with the fire protection service operations of the township shall be transferred to the fire department of the consolidated city.

**(b)** On January 1, 2011, all:

- (1) assets;
- (2) property rights;
- (3) equipment;
- (4) records;
- (5) personnel (except as otherwise provided by statute); and
- (6) contracts;

connected with the operations of the township other than the operations of the township assessor shall be transferred to the consolidated city in a manner consistent with sections 2(4) and 3(4) of this chapter.

**Sec. 6.** Any indebtedness incurred before the effective date of the consolidation by the township or a building, holding, or leasing corporation on behalf of the township remains the debt of the township and does not become and may not be assumed by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation remains the indebtedness of the consolidated city and the consolidated city may levy property taxes to pay the indebtedness only in the fire special service district and not in the area of the township outside the fire special service district. Indebtedness related to fire protection services that is incurred by the consolidated city after the effective date of the consolidation is indebtedness of the consolidated city and the consolidated city may levy property taxes to pay the indebtedness only in the combined area of the fire special service district and each township that

consolidates under this chapter outside the fire special service district.

Sec. 7. Beginning January 1, 2011, notwithstanding any other law to the contrary, the township's distributive share of any state or local taxes or revenues (other than property taxes) shall be reduced to zero and shall be transferred to the consolidated city and the health and hospital corporation in a manner consistent with sections 2(4) and 3(4) of this chapter.

Sec. 8. (a) For property taxes first due and payable in 2011, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 is:

(1) increased for the health and hospital corporation operating under IC 16-22-8 by an amount equal to the part of the maximum permissible ad valorem property tax levy of the township for property taxes first due and payable in 2010 attributable to the duties of the township trustee under IC 36-6-4-3(7), IC 36-6-4-3(10), and IC 36-6-4-3(14);

(2) increased for the consolidated city by an amount equal to the part of the maximum permissible ad valorem property tax levy of the township for property taxes first due and payable in 2010 attributable to the duties of the township trustee under IC 36-6-4-3 other than the duties under IC 36-6-4-3(7), IC 36-6-4-3(9), IC 36-6-4-3(10), and IC 36-6-4-3(14); and

(3) subject to subsection (c), increased for the county by an amount equal to the part of the maximum permissible ad valorem property tax levy of the township for property taxes first due and payable in 2010 attributable to the operation of a small claims court.

The department of local government finance shall determine the amounts of the maximum levy increases required by this subsection.

(b) Beginning with property taxes first due and payable in 2011:

(1) the health and hospital corporation operating under IC 16-22-8 may levy property taxes only in the combined area of the health and hospital corporation and each township that consolidates under this chapter; and

(2) the consolidated city may levy property taxes only in the combined area of the consolidated city and each township that consolidates under this chapter.

(c) With the approval of the county fiscal body, the county executive may appeal under IC 6-1.1-18.5 to increase the county's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-3, as necessary, to reflect the county's assumption of the obligation to fund the small claims division. If the department of local government finance grants an appeal under this subsection, the department may increase the county's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-3 as the department determines necessary.

**Sec. 9. (a) Before January 10, 2011, the township shall:**

**(1) transfer to the health and hospital corporation operating under IC 16-22-8 the balance as of December 31, 2010, in the township's general fund attributable to the duties of the township trustee under IC 36-6-4-3(7), IC 36-6-4-3(10), and IC 36-6-4-3(14);**

**(2) transfer to the consolidated city the balance as of December 31, 2010, in the township's general fund attributable to the duties of the township trustee under IC 36-6-4-3 other than the duties under IC 36-6-4-3(7), IC 36-6-4-3(9), IC 36-6-4-3(10), and IC 36-6-4-3(14); and**

**(3) transfer to the county the balance as of December 31, 2010, in the township's general fund attributable to the operation of a small claims court.**

**(b) The department of local government finance shall determine the amounts to be transferred under subsection (a).**

**(c) IC 36-1-8-5 does not apply to a balance referred to in subsection (a).**

**Sec. 10. The state board of accounts shall perform an evaluation and performance audit, due before March 1, 2012, and before March 1 in each of the following two (2) years, to determine:**

**(1) the amount of any cost savings, operational efficiencies, or improved service levels; and**

**(2) any tax shifts among taxpayers;**

**that result from the consolidation. The evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.**

**SECTION 118. IC 36-6-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies to ~~all townships~~ a township:**

**(1) in a county not having a consolidated city; or**

**(2) that did not consolidate under IC 36-6-1.1.**

**SECTION 119. IC 36-6-4-3, AS AMENDED BY P.L.1-2006, SECTION 562, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. The executive shall do the following:**

**(1) Keep a written record of official proceedings.**

**(2) Manage all township property interests.**

**(3) Keep township records open for public inspection.**

**(4) Attend all meetings of the township legislative body.**

**(5) Receive and pay out township funds.**

**(6) Examine and settle all accounts and demands chargeable against the township.**

**(7) Administer township assistance under IC 12-20 and IC 12-30-4.**

**(8) Perform the duties of fence viewer under IC 32-26.**

**(9) Act as township assessor when required by IC 36-6-5.**

(10) Provide and maintain cemeteries under IC 23-14.

(11) Provide fire protection under IC 36-8. ~~except in a township that:~~

(A) is located in a county having a consolidated city; and

(B) consolidated the township's fire department under ~~IC 36-3-1-6.1.~~

(12) File an annual personnel report under IC 5-11-13.

(13) Provide and maintain township parks and community centers under IC 36-10.

(14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.

(15) Provide insulin to the poor under IC 12-20-16.

(16) Perform other duties prescribed by statute.

SECTION 120. IC 36-6-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies ~~only to all townships:~~ **a township:**

**(1) in a county not having a consolidated city; or**

**(2) that did not consolidate under IC 36-6-1.1.**

SECTION 121. IC 36-6-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies to ~~all townships:~~ **a township:**

**(1) in a county not having a consolidated city; or**

**(2) that did not consolidate under IC 36-6-1.1.**

SECTION 122. IC 36-6-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies to ~~all townships:~~ **a township:**

**(1) in a county not having a consolidated city; or**

**(2) that did not consolidate under IC 36-6-1.1.**

SECTION 123. IC 36-7-4-504.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 504.5. (a) In preparing or revising a comprehensive plan for a township, the legislative body of the consolidated city shall adopt an ordinance requiring the plan commission to establish an advisory committee of citizens interested in problems of planning and zoning for that township, a majority of whom shall be nominated by the township legislative body.

(b) An advisory committee created under subsection (a) must include a representative of the affected township legislative body as determined by procedures established in an ordinance adopted by the legislative body of the consolidated city.

**(c) This subsection applies to a township that consolidated under IC 36-6-1.1. In preparing or revising a comprehensive plan for a township that is part of a consolidated township established under IC 36-6-1.1, the legislative body of the consolidated city shall adopt an ordinance requiring the plan commission to establish an advisory committee of citizens interested in problems of planning and zoning for each individual township.**

SECTION 124. IC 36-8-8-1, AS AMENDED BY P.L.227-2005,  
SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2007]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977,  
in all municipalities, or who converted their benefits under  
IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30,  
1977, or who converted their benefits under IC 19-1-36.5-7  
(repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and  
before July 1, 1996, who is a member of a police department in a  
second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the  
Indiana law enforcement academy or a comparable law  
enforcement academy in another state that were required at the  
time the park ranger attended the Indiana law enforcement  
academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or  
a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a  
population of more than one hundred twenty thousand  
(120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter  
before the effective date of consolidation and becomes a member  
of the fire department of a consolidated city under IC 36-3-1-6.1;  
~~provided that;~~ **however,** the firefighter's service as a member of  
the fire department of a consolidated city is considered active  
service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter  
who is hired or rehired after the effective date of the consolidation  
by a consolidated fire department established under  
IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before  
the effective date of consolidation and becomes a member of the  
consolidated law enforcement department as part of the  
consolidation under IC 36-3-1-5.1, provided that the officer's  
service as a member of the consolidated law enforcement  
department is considered active service under this chapter; and

(8) except as otherwise provided, a full-time police officer who is  
hired or rehired after the effective date of the consolidation by a  
consolidated law enforcement department established under  
IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 125. IC 36-8-8-2.1 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. (a) As used in this  
chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3)**, for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

**(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1:**

**(A) before the date the consolidation is effective, the local board described in IC 36-8-7-3; and**

**(B) on and after the date the consolidation is effective, the local board of the consolidated city established under IC 36-8-7-3.**

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

**(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1, the local board is:**

**(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and**

**(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.**

SECTION 126. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other



1 unit.

2 If the police officer or firefighter is made a member of a 1925, 1937, or  
3 1953 fund, the police officer or firefighter is entitled to receive credit  
4 for all the police officer's or firefighter's years of service, including  
5 years before January 1, 1982.

6 (g) As used in this subsection, "emergency medical services" and  
7 "emergency medical technician" have the meanings set forth in  
8 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- 9 (1) is employed by a unit that is participating in the 1977 fund;
  - 10 (2) was employed as an emergency medical technician by a  
11 political subdivision wholly or partially within the department's  
12 jurisdiction;
  - 13 (3) was a member of the public employees' retirement fund during  
14 the employment described in subdivision (2); and
  - 15 (4) ceased employment with the political subdivision and was  
16 hired by the unit's fire department due to the reorganization of  
17 emergency medical services within the department's jurisdiction;
- 18 shall participate in the 1977 fund. A firefighter who participates in the  
19 1977 fund under this subsection is subject to sections 18 and 21 of this  
20 chapter.

21 (h) A police officer or firefighter does not become a member of the  
22 1977 fund and is not covered by this chapter if the individual was  
23 appointed as:

- 24 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
  - 25 (2) a police chief under a waiver under IC 36-8-4-6.5(c);
- 26 unless the executive of the unit requests that the 1977 fund accept the  
27 individual in the 1977 fund and the individual previously was a  
28 member of the 1977 fund.

29 (i) A police matron hired or rehired after April 30, 1977, and before  
30 July 1, 1996, who is a member of a police department in a second or  
31 third class city on March 31, 1996, is a member of the 1977 fund.

32 (j) A park ranger who:

- 33 (1) completed at least the number of weeks of training at the  
34 Indiana law enforcement academy or a comparable law  
35 enforcement academy in another state that were required at the  
36 time the park ranger attended the Indiana law enforcement  
37 academy or the law enforcement academy in another state;
- 38 (2) graduated from the Indiana law enforcement academy or a  
39 comparable law enforcement academy in another state; and
- 40 (3) is employed by the parks department of a city having a  
41 population of more than one hundred twenty thousand (120,000)  
42 but less than one hundred fifty thousand (150,000);

43 is a member of the fund.

44 (k) Notwithstanding any other provision of this chapter, a police  
45 officer or firefighter:

- 46 (1) who is a member of the 1977 fund before a consolidation  
47 under IC 36-3-1-5.1, or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the **consolidated** law enforcement department or fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1**; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

~~(1)~~ (A) retired for purposes of section 10 of this chapter; or

~~(2)~~ (B) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation;

**and**

**(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).**

SECTION 127. IC 36-8-15-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. As used in this chapter, "excluded city" refers to a unit described in IC 36-3-1-7.**

SECTION 128. IC 36-8-15-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) This subsection applies to a county not having a consolidated city. For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for that levy may not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to

1 receive during a particular calendar year under IC 6-3.5-6-17. To make  
 2 such an election, the county fiscal body must adopt an ordinance before  
 3 September 1 of the immediately preceding calendar year. The county  
 4 fiscal body must specify in the ordinance the amount of the certified  
 5 distribution that is to be used to fund the operation of the district. **The**  
 6 **ordinance must provide or be amended to provide that, upon**  
 7 **submission of a claim to the chief executive officer for the district**  
 8 **in the form prescribed by the state board of accounts, the district**  
 9 **shall reimburse an excluded city for facility and other**  
 10 **communications systems costs incurred by a public agency of the**  
 11 **excluded city after December 31, 2006, that are not directly paid by**  
 12 **the district. The board shall reimburse the excluded city for**  
 13 **outstanding claims for facility and other communications systems**  
 14 **costs incurred after December 31, 2006, and submitted to the**  
 15 **district:**

16 (1) before December 2, 2007, for costs incurred after  
 17 December 31, 2006, and before December 1, 2007; and

18 (2) before December 2 in a year after 2007 for costs incurred  
 19 in the immediately preceding twelve (12) months.

20 If the county fiscal body adopts such an ordinance, it shall immediately  
 21 send a copy of the ordinance to the county auditor.

22 (c) Subject to subsections (d), (e), and (f), if an ordinance or  
 23 resolution is adopted changing the territory covered by the district or  
 24 the number of public agencies served by the district, the local  
 25 government tax control board shall, for property taxes first due and  
 26 payable during the year after the adoption of the ordinance, adjust the  
 27 maximum permissible ad valorem property tax levy limits of the  
 28 district and the units participating in the district.

29 (d) If a unit by ordinance or resolution joins the district or elects to  
 30 have its public safety agencies served by the district, the local  
 31 government tax control board shall reduce the maximum permissible  
 32 ad valorem property tax levy of the unit for property taxes first due and  
 33 payable during the year after the adoption of the ordinance or  
 34 resolution. The reduction shall be based on the amount budgeted by the  
 35 unit for public safety communication services in the year in which the  
 36 ordinance was adopted. If such an ordinance or resolution is adopted,  
 37 the district shall refer its proposed budget, ad valorem property tax  
 38 levy, and property tax rate for the following year to the board, which  
 39 shall review and set the budget, levy, and rate as though the district  
 40 were covered by IC 6-1.1-18.5-7.

41 (e) If a unit by ordinance or resolution withdraws from the district  
 42 or rescinds its election to have its public safety agencies served by the  
 43 district, the local government tax control board shall reduce the  
 44 maximum permissible ad valorem property tax levy of the district for  
 45 property taxes first due and payable during the year after the adoption  
 46 of the ordinance or resolution. The reduction shall be based on the  
 47 amounts being levied by the district within that unit. If such an

ordinance or resolution is adopted, the unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the board, which shall review and set the budget, levy, and rate as though the unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district.

SECTION 129. IC 36-9-17.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies ~~only to all townships:~~ **a township:**

**(1) in a county not having a consolidated city; or**

**(2) that did not consolidate under IC 36-6-1.1.**

SECTION 130. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) Except as provided in subsection (b),** this chapter applies to the townships indicated in each section.

**(b) This chapter does not apply to a township that consolidated under IC 36-6-1.1. All powers and duties related to parks and recreation of a township that consolidated under IC 36-6-1.1 shall be transferred to the consolidated city.**

SECTION 131. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) Except as provided in subsection (b),** this chapter applies to ~~all townships:~~ **a township.**

**(b) This chapter does not apply to a township that consolidated under IC 36-6-1.1. All powers and duties related to parks and recreation of a township that consolidated under IC 36-6-1.1 are transferred to the consolidated city.**

SECTION 132. IC 33-34 IS REPEALED [EFFECTIVE JANUARY 1, 2011].

SECTION 133. [EFFECTIVE JULY 1, 2007] **(a) Any case pending in a township small claims court established by IC 33-34, as repealed by this act, after the close of business on December 31, 2010, is transferred on January 1, 2011, to the corresponding township division of the small claims division of the Marion superior court established under IC 33-33-49-14(c)(5) and IC 33-33-49-14.1, both as added by this act. A case transferred under this SECTION shall be treated as if the case were filed in the corresponding township division of the small claims division of the Marion superior court.**

**(b) On January 1, 2011, all property and obligations of a township small claims court established by IC 33-34, as repealed by this act, become the property and obligations of the corresponding township division of the small claims division of the Marion superior court established under IC 33-33-49-14(c)(5) and**

1 IC 33-33-49-14.1, both as added by this act.

2 (c) This SECTION expires January 2, 2012.

3 SECTION 134. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding  
4 the amendment and repeal by this act of provisions in IC 33-33-49  
5 and IC 33-34, the term of a judge in office in a township small  
6 claims court established by IC 33-34, as repealed by this act, does  
7 not terminate until the date that the term would have terminated  
8 under the law in effect on December 31, 2010. The election for the  
9 initial small claims judges to be elected to the township divisions of  
10 the small claims division of the Marion superior court under  
11 IC 33-33-49-13.1, as added by this act, is the election to be held in  
12 the November immediately preceding the date that the  
13 corresponding term of the judge in office in a township small  
14 claims court established by IC 33-34, as repealed by this act, on  
15 December 31, 2010, would have terminated under the law in effect  
16 on December 31, 2010.

17 (b) Notwithstanding the amendment and repeal by this act of  
18 provisions in IC 33-33-49 and IC 33-34, the term of a constable for  
19 a township small claims court established by IC 33-34, as repealed  
20 by this act, does not terminate until the date that the term would  
21 have terminated under the law in effect on December 31, 2010. The  
22 election for the initial small claims constables to be elected under  
23 IC 33-33-49-14.2, as added by this act, is the election to be held in  
24 the November immediately preceding the date that the  
25 corresponding term of the constable for a township small claims  
26 court established by IC 33-34, as repealed by this act, on December  
27 31, 2010, would have terminated under the law in effect on  
28 December 31, 2010.

29 (c) This SECTION expires January 2, 2015.

30 SECTION 135. [EFFECTIVE JULY 1, 2007] The general  
31 assembly finds the following:

32 (1) A consolidated city faces unique budget challenges due to  
33 a high demand for services combined with the large number  
34 of tax exempt properties located in a consolidated city as the  
35 seat of state government, home to several institutions of  
36 higher education, and home to numerous national, state, and  
37 regional nonprofit corporations.

38 (2) By virtue of its size and population density, a consolidated  
39 city has unique overlapping territories of county, city, and  
40 township government and an absence of unincorporated areas  
41 within its county.

42 (3) By virtue of its size, population, and absence of  
43 unincorporated areas, development extends to and across the  
44 boundaries of the contiguous governmental territories located  
45 within a county having a consolidated city, thus giving less  
46 meaning to boundaries of the governmental territories located  
47 within the county.

48 (4) By virtue of its size, population, absence of unincorporated

1 areas, overlapping territories, and development to and across  
2 the boundaries of contiguous governmental territories, there  
3 is less need for differentiation of local governmental services  
4 within the separate governmental territories located within a  
5 county having a consolidated city, but rather the local  
6 governmental service needs are similar and more uniform  
7 within and across a county having a consolidated city.

8 (5) The provision of local governmental services by multiple  
9 governmental entities with overlapping territories, and by  
10 governmental entities with contiguous territories with less  
11 meaningful boundaries, results in disparate levels of local  
12 government services within a county having a consolidated  
13 city and results in the inefficient and poor use of taxpayer  
14 dollars.

15 (6) As the state capital and a center for professional sporting  
16 events, tourism, and culture in central Indiana, the  
17 consolidated city faces unique demands for protecting  
18 governmental property and securing the safety of large  
19 numbers of residents and visitors, which require innovative  
20 approaches to public safety resources.

21 (7) If public safety resources are consolidated, residual  
22 services provided by townships are limited and can more  
23 effectively and uniformly be performed through consolidation  
24 at the city or county level.

25 (8) Substantial operational efficiencies, reduction of  
26 administrative costs, and economies of scale may be obtained  
27 in a consolidated city through consolidation of certain county,  
28 city, and township services and operations.

29 (9) Consolidation of certain county, city, and township  
30 services and operations in the consolidated city will serve the  
31 public purpose by allowing the consolidated city to:

32 (A) eliminate duplicative services;

33 (B) provide better coordinated and more uniform delivery  
34 of local governmental services;

35 (C) provide more unified tax rates; and

36 (D) allow local government services to be provided more  
37 efficiently and at a lower cost than without consolidation.

38 (10) Efficient and fiscally responsible operation of local  
39 government benefits the health and welfare of the citizens of  
40 a consolidated city and is of public utility and benefit.

41 (11) The public purpose of this act is to provide a consolidated  
42 city with the means to perform essential governmental  
43 services for its citizens in an effective, efficient, and fiscally  
44 responsible manner.

45 SECTION 136. [EFFECTIVE JULY 1, 2007] (a) As used in this  
46 SECTION, "incumbent trustee" refers to an individual elected to  
47 the office at the November 7, 2006, general election.

48 (b) As used in this SECTION, "office" refers to the office of

1 township trustee.

2 (c) Notwithstanding IC 36-6-1.1, as added by this act, and  
 3 IC 36-6-4, IC 36-6-7, and IC 36-6-8, all as amended by this act, an  
 4 incumbent trustee holding an office that is abolished by this act is  
 5 entitled to serve in the office through December 31, 2010.

6 (d) This SECTION expires July 1, 2011.

7 SECTION 137. [EFFECTIVE JULY 1, 2007] (a) As used in this  
 8 SECTION, "incumbent township board member" refers to an  
 9 individual elected to the office at the November 2, 2004, general  
 10 election.

11 (b) As used in the SECTION, "office" refers to the office of a  
 12 member of the township legislative body.

13 (c) Notwithstanding IC 36-1-1.1, as added by this act, and  
 14 IC 36-6-6 and IC 36-6-8, both as amended by this act, an  
 15 incumbent township board member holding an office that is  
 16 abolished by this act is entitled to serve in the office through  
 17 December 31, 2008.

18 (d) The successor to the incumbent township board member  
 19 described in subsection (c):

20 (1) shall be elected to the office at the general election to be  
 21 held in 2008; and

22 (2) shall serve a term of office through December 31, 2010.

23 (e) This SECTION expires July 1, 2011.

24 SECTION 138. [EFFECTIVE JULY 1, 2007] The legislative  
 25 services agency shall prepare legislation for introduction in the  
 26 2008 regular session of the general assembly to organize and  
 27 correct statutes affected by this act, if necessary.

28 SECTION 139. An emergency is declared for this act.

(Reference is to EHB 1568 as printed April 6, 2007.)

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Senator MERRITT